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1989-1990 ANNUAL REPORT

NEW JERSEY JUDICIARY
ADMINISTRATIVE OFFICE OF THE COURTS

Richard J. Hughes Justice Complex • CN-037 • Trenton, New Jersey • 08625

Robert N. Wilentz
Chief Justice

Robert D. Lipscher
Administrative Director
of the Courts

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

ROBERT D. LIPSCHER
ADMINISTRATIVE DIRECTOR OF THE COURTS

CN-037
TRENTON, NEW JERSEY 08625

To the Chief Justice and the Associate Justices
of the Supreme Court of New Jersey

It is my pleasure to present the Annual Report of the New Jersey Judiciary for the 1989-90 court year.

The year was one of continuing public demand for court services, as evidenced by a caseload which topped one million. This ever-growing need for faster and fairer justice has been met by increased productivity, improved case management techniques, progressive programs, and other resourceful efforts to improve the efficiency and accessibility of the courts.

This Annual Report is a reflection of the high quality of work of our State's judges and court staff, along with the contributions of the Bar and lay volunteers, and of their pride in maintaining our reputation as one of the finest court systems in the nation. They have continued to be innovative, creative, and dedicated in performing their work for the courts, and in striving for excellence in their service to the people of New Jersey.

Robert D. Lipscher

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1989-1990 THE YEAR IN REVIEW

1989-1990: THE YEAR IN REVIEW

Superior Court caseload tops one million

For the first time, more than a million cases were filed in the trial courts. During the 1989-90 court year, filings increased by 8%—the highest percentage increase in many years. Dispositions also topped a million cases. Even though the trial courts terminated 9% more cases than during 1988-89, they fell nearly 27,000 cases short of clearing the calendar. [Please see complete statistics on pages 3-8 through 3-12.]

Municipal Courts clear calendar

Responsible for the State's largest caseload volume, distributed among six calendars, the Municipal Courts disposed of more than 6.8 million cases and cleared their calendars by nearly 311,000 cases. Of the six calendars, the courts disposed of more matters than were filed in indictable complaints, DWI, all other traffic, and parking. [Please see complete statistics on pages 3-16 through 3-18.]

96% of judgeships filled in '89-'90

The Judiciary ended the court year with six more Superior Court trial judges than were on the bench at the term's outset on July 1, 1989.

Among the 338 authorized judgeships, there were 326 appointed judges and 12 vacancies. Nine of the 12 vacancies arose during the court year. The Legislature created five new judgeships during the same time frame.

Middlesex County site of national pilot for drug case management

Middlesex County's two-tiered differentiated case management approach for the disposition of drug cases has been hailed as a national model for the quick and efficient sentencing of defendants.

The Expedited Drug Case Management Program allows cases to be assigned to different tracks based on the characteristics of the offense and the specific sentencing options involved. Through the program, a conference is held within five days of the filing of the

Lipscher, Clarke, Hurley receive national honors

Administrative Director of the New Jersey Courts *Robert D. Lipscher* was the 1989-90 recipient of the Warren E. Burger Award, presented by the National Center for State Courts' Institute for Court Management.

The Burger Award, presented annually, is in recognition of outstanding achievement in the field of court management.

Essex County Trial Court Administrator *John A. Clarke, Jr.*, was honored by the National Center for State Courts with a Distinguished Service Award. Clarke, who served as President of the National Association for Court Management, was recognized for his substantial contributions to the improvement of judicial administration and the work of the National Center.

Hudson County Senior Probation Officer *Robert Hurley* was named the 1989 Line Officer of the Year by the American Probation and Parole Association. Hurley, who also was honored as the 1989 New Jersey Line Officer of the Year, was recognized for his work in adult supervision and on a special project designed to refurbish the county's parks. [Please see story on page 4-13.]

Thirty-eight newly-appointed judges—one of the largest classes ever—attended an eight-day Judges' Orientation Program in October 1989. The program, which also was attended on a voluntary basis by judges who received new assignments via the rotation policy, included a two-day general overview and two-day specialty sessions in Civil, Criminal, and Family court matters taught by a faculty of 30 experienced judges.

complaint, at which time sentencing or other judicial sanctions are imposed. Defendants sentenced through the program are further supervised by a group of community volunteers who are responsible for assistance in monitoring defendants' compliance with conditions of release, and for providing educational, job training, and employment opportunities. [Please see story on page 4-17.]

Middlesex is one of only three jurisdictions in the country participating in the pilot. The other two are Indianapolis and Philadelphia.

Special committee recommends additional resources, personnel for Criminal Division

Due specifically to the mounting volume of drug cases and generally to a marked increase in criminal cases overall, the Special Committee to Assess Criminal Division Needs recommended an increase in the number of judges, along with a sufficient addition of assistant prosecutors, public defenders, and other support staff, assigned to dispose of criminal cases. [Please see Focus section, Chapter 2.]

Appointed by the Chief Justice in the fall of 1989, the Committee concluded that at least 124 judges would be needed in the Criminal Division around the State, along with additional necessary judiciary personnel, to dispose of criminal cases with reasonable speed; and called for the permanent transfer of 17 judges to the Criminal Division to bring the total up to 124. Additionally, the Committee recommended that all costs for the transfer be borne by the State and Federal governments, that specific case management techniques be shared among Vicinages, that the use of masters be evaluated, and that further resources and personnel be available for the expansion of several probation and community-based programs, such as Intensive Supervision and drug treatment programs.

The 11-member committee was chaired by former Justice Morris Pashman and former First Assistant Attorney General Donald Belsole.

Record total of child support collected

More than $315 million—the largest amount ever—in child support was collected during the 1989-90 court year. The statewide implementation of the Automated Child Support Enforcement System (ACSES), which provides probation departments with an up-to-date, efficient case tracking system, enhanced probation's efforts in collections.

Of the record total, $47.3 million was collected for public assistance cases, and $251.5 for non-public assistance cases. Probation staff oversaw 269,723 child support cases during the court year.

Pathfinders Committee reviews Family Division

After more than two years' study, the five-member Pathfinders Committee issued a "call to action" to the Judiciary and society as a whole to proceed with a major upgrading of the State's Family Division courts.

The Committee lauded the efforts of Family Division Judges and support staff for their cooperation in early case management initiatives and in the implementation of several innovative programs authorized by legislation. Most prominent among the committee's

recommendations was the call for additional personnel resources, including more judges and support staff and formation of a leadership committee to administer and monitor education and training for all Family Division judges.

Based on the Pathfinders Committee's recommendations, covering virtually every detail of Family Division operations, several implementation plans have been outlined to achieve both short- and long-term goals for the Division. [Please see Focus section, Chapter 2.]

Chaired by Camden County Family Division Presiding Judge Robert W. Page, the Committee members interviewed more than 100 judges, attorneys, court staff, and other persons involved in the Family Division before drafting their report.

Direct filing achieved for all Law and General Equity matters

As of April 1990, all counties began accepting direct filing of all Law and General Equity matters. Historically, Superior Court cases other than criminal indictments had been filed in the Clerk's Office in Trenton, and thereafter in the county of venue.

While one of the advantages of centralized filing was the maintenance of a statewide file of civil matters, it resulted considerable delays in filings. Direct filing reduces those delays and increases service to the Bench and Bar, while automation preserves the value and service of Statewide indices.

State Justice Institute funds four programs

During the 1989-90 court year the State Justice Institute continued its funding for four key projects coordinated by the Administrative Office of the Courts and court staff in several counties throughout the State.

The four projects are:

An Analysis of the Civil Settlement Process: Facilitated by the Center for Negotiation and Conflict Resolution at Rutgers, the project's goals are 1) to examine the process and methods through which settlement negotiations occur; 2) to relate settlements, as an aspect of complementary dispute resolution, to the impact on the overall judicial system; 3) to assist in allocation of judicial and court personnel resources and; 4) to determine which types of settlement techniques are best for particular cases.

A key component of the project is an emphasis on settlement efforts in an urban county (Essex), a suburban county (Middlesex), and a rural county (Gloucester). Responses from judges and attorneys have been solicited via surveys and interviews, and further conclusions have been drawn through observation of actual settlement conferences.

Differential Court Usage Patterns Among Minority and Non-Minority Populations in New Jersey: The research conducted for this project will be used to determine whether members of minority groups in the State are using the court system to resolve their disputes, and what cultural and social factors contribute to that use or non-use. Additionally, the study is designed to determine if those minorities using the courts are receiving adequate and consistent treatment and representation.

Interviews with 750 persons in Bergen, Camden, Essex and Hudson counties will be used as the basis for the study's conclusions. The effort is related to the work of the Supreme Court Task Force on Minority Concerns.

Fines/Restitution Collection and Enforcement: A specially-appointed team of collections officers and hearing officers coordinated this Hudson County initiative. This team is responsible for insuring that all Superior- and Municipal-Court-ordered fines and restitution are promptly paid to the court.

Project MUSTER: A pilot project designed to increase the collections of court-ordered financial obligations, Project MUSTER is directed towards probationers brought back before the court for non-payment. Probationers sentenced to MUSTER will receive job counselling and training, and will perform community service until they begin to meet their financial obligations.

The pilot project was conducted in Gloucester, Middlesex, and Ocean counties.

Judicial Conference focuses on Juveniles, Justice, and the Courts

A year-long study of court efforts to implement the Code of Juvenile Justice and of ways to improve the Judiciary's response to juvenile delinquency served as a basis for the 1989 Judicial Conference, "Juveniles, Justice, and the Courts."

More than 400 participants reviewed and contributed to the work of a 50-member Task Force, which, through a discussion paper, emphasized initiatives which must be undertaken not only by the courts, but by families, schools, social services organizations, and communities, to deal effectively with the problems of juvenile delinquency. Their recommendations, along with contributions from conference participants, will be incorporated into a final report to be submitted to the Supreme Court.

Chaired by Chief Justice Robert N. Wilentz and Appellate Division Judge Julia L. Ashbey, the Task Force included judges, lawyers, academicians and educators, legislators, state and county officials, social service providers, and private citizens.

FOCUS: EXCELLENCE, INNOVATION, SERVICE

CHILD SUPPORT HEARING OFFICERS

The Judiciary's 14 Child Support Hearing Officers hear cases involving paternity or parent/child relationships; orders for child support and other financial obligations; and enforcement and modification of such orders.

Anticipating a Federal government requirement that states expedite child support hearings in order to maintain their Federal funding, New Jersey's courts in 1984 began providing a system of adjudication for those hearings that not only is efficient, but which allows judges to concentrate their efforts on more complex cases.

The Child Support Hearing Officer Program, which was piloted in 1984 with just four officers, was implemented statewide in October 1985. Currently, the program is Federally-funded.

The Judiciary's 14 Child Support Hearing Officers are empowered to hear cases involving establishment of paternity or parent/child relationships in uncontested matters; establishment of orders for child support and other financial obligations; and enforcement and modification of such orders. They hear cases on specific days in every county of the State; and although every attempt is made to assign the same Hearing Officer to the same Vicinage for a particular period of time, the officers are rotated among the Vicinages as needs demand. Hearing Officers pride themselves on being nearly always accessible to the Judiciary community throughout the State: rarely are calendars cancelled due to illness or vacation.

The Child Support Hearing Officer Program diverts the routine, regular cases that don't require the expertise of a judge and allows judges to concentrate on the more complex cases.

The program's success isn't measured via collections, but by the Hearing Officers' response to litigants, attorneys, and judges. "This program is one that is driven by the state of the Judiciary, one that allows people to have their day in court," says Paula Haedel, who coordinates the Hearing Officer Program for the Judiciary. "It diverts the routine, regular cases that don't require the expertise of a judge and allows judges to concentrate on the more complex cases."

On the average, the Hearing Officers' calendars contain 30 to 50 cases per day, and as many as 70, depending on the complexity of the cases and the preparation by Vicinage staff. During the 1989-90 court year, Hearing Officers logged the equivalent of 2,492 days of bench time, and disposed of 60,749 (79.2%) of the 76,691 cases scheduled for hearings. [Please see accompanying Child Support Hearing Officer Caseload graph.] Of the recommendations made in those cases heard, only 1,513 (2.0%) were appealed.

Hearing Officers are attorneys with at least one year's experience in family law, or former case management or

probation staff with a minimum of three years' experience in the Family Division. They conduct their hearings and perform many of the duties as a judge would in similar circumstances. The Hearing Officers swear in witnesses, hear testimony from all parties, accept and receive evidence, and then recommend any option but incarceration. If the attorneys or the parties do not accept the Hearing Officer's recommendation, the case is referred to a judge for a *de novo* hearing the same day. If an appeal is not entered, the Hearing Officer's recommendation is sent to the Family Division Presiding Judge in the particular Vicinage for ratification.

Hearing Officers know their limitations, however: if an officer feels the case is too complex, he or she refers it to a judge.

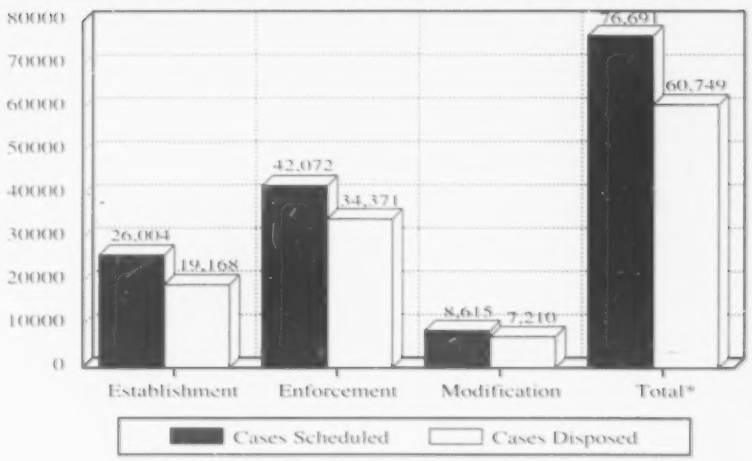
One of the advantages of having the Hearing Officers come from a variety of court-related situations is that, according to Haedel, "They know what it's like to be responsible for enforcing an order. Sometimes that helps them word an order in a particular way that may aid in its administration."

The program does have its critics. Because all the Hearing Officers are not attorneys, some members of the Bar initially were concerned that the officers are not attuned to the finer points of the legal system. Over the past five years, that concern has been reduced. Also, the Hearing Officers work in a specialized area and apply Supreme Court-approved schedules and policies to the individual cases.

Sometimes the parties do not understand who a Hearing Officer is. "We don't represent ourselves as judges. If a person says 'Your Honor', the officer is instructed to remind the litigant that the officer is not a judge. They try to dissuade the litigant from that perception as much as possible," Haedel said.

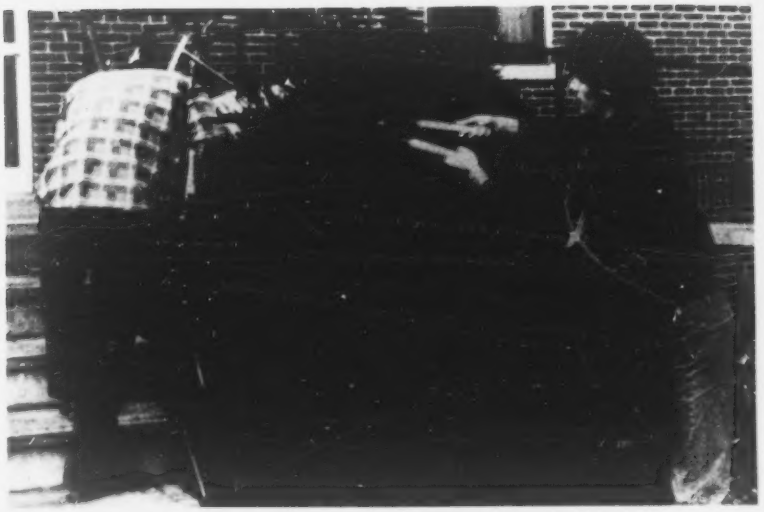
"The program sends a clear message to most people who violate their child support orders. They used to think if they didn't pay, nothing would happen to them. The message now is that you know what the expectations are, you know what the consequences are, and if you don't pay, you know you're going to be in court soon--either in front of a Hearing Officer or a judge. The program provides a swift and sure response."

HEARING OFFICER CASELOAD 1989-1990



* Cases not disposed of generally were withdrawn, re-scheduled or referred to a judge.

COMMUNITY SERVICE



At least 125,000 persons have completed Community Service since 1982, logging more than 8 million hours of "free" service. During 1989-90, approximately 32,000 participants completed 1.6 million hours in the Community Service Program statewide.

Nearly every aspect of the justice system--judges, public defenders, police officers--is paid for by New Jersey's citizens through taxes, court fees, and fines. One of the few exceptions where a credit rather than a debit is registered on the justice ledger is community service.

The concept of community service is not a new one. Beginning in the late 1970s, almost every county in the State had some kind of community service program--but the programs were designed on an ad hoc, non-uniform basis, and funded through a variety of sources. In 1982, however, the passage of drunk driving legislation which authorized community service as a "stand alone" sentence led the courts to establish a consistent, statewide program.

Initially, it was estimated that 4,000 to 5,000 people per year would be sentenced to community service under the drunk driving statutes. Approximately 2,800 people participated in the program in its first year, but since then the yearly total has risen steadily, peaking at more than 31,000 during 1989-90. At least 125,000 persons have completed the program since 1982, logging more than 8 million hours of "free" service. [Please see accompanying Community Service Participation chart.] The value of their work, based on average hourly salaries for various occupations provided by the State Department of Labor, is estimated at approximately $64 million.

> If people have particular skills, those skills are far too valuable a resource to be wasted. Those people will use those skills in their Community Service.

As expected, the majority of community services participants have been sentenced under the drunk driving statutes. But in some counties, both Superior and Municipal Court judges have imposed the sanction for other offenses, such as driving without liability insurance, passing a school bus, possession of drugs in a school zone; as a requirement for the Pre-Trial Intervention Program; or as a substitute for the payment of Municipal Court fines for indigent persons.

Community service is administered through the county probation departments and is performed at non-profit and government agencies at 4,500 sites throughout the State. Participants in the program perform many different jobs ranging from cutting lawns, assisting with building maintenance and janitorial duties, and typing and filing for government agencies, to preparing

meals and caring for patients in nursing homes and hospitals, to tutoring students, writing computer programs, and screening people for high blood pressure.

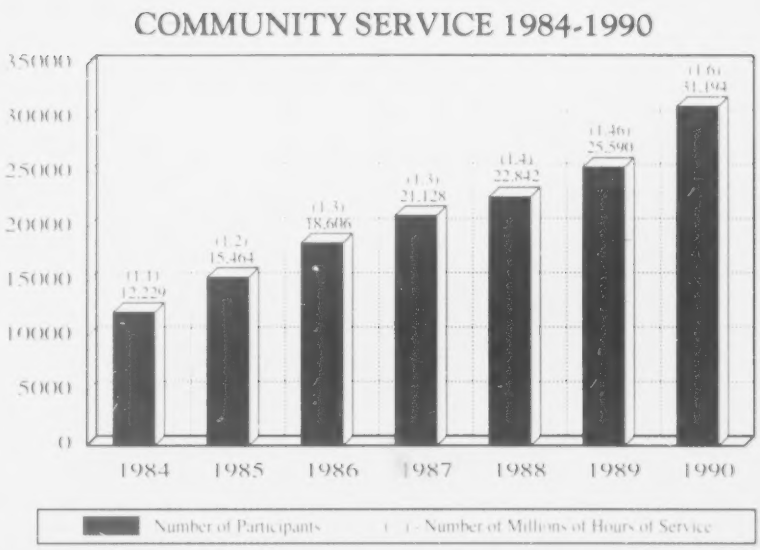
"Judges can use community service purely as punishment by placing offenders in unpleasant assignments," said William D. Burrell, Chief of Adult Supervision Services for the Administrative Office of the Courts. "But it doesn't have to be that way. If people have particular skills, those skills are far too valuable a resource to be wasted. Those people will use those particular skills in their community service."

Statewide, nearly 85% of those sentenced to perform community service complete their hours. Under program guidelines, participants who do not succeed at their first assignment usually are given another chance before having to appear before their sentencing judge. The judge's options include another community service assignment, dismissing the service obligation, or imprisonment.

For some participants, the community service has led to subsequent employment at the sites where they've completed their required hours. Some even have continued to do volunteer work after completing their sentences.

Community service often is labelled as a means through which affluent offenders can avoid jail time. In New Jersey, that isn't necessarily the case. The vast majority of offenders in the system are poor, and have few resources.

"In the exceptional cases--like Zsa Zsa Gabor and Ollie North--no matter what the sentence was, the perception is that their punishment is out of the norm of what the run-of-the-mill offender gets," Burrell said. "But those are the only cases that get covered by the press.



"In some instances, where people simply get caught at the wrong place at the wrong time, community service is better punishment than a big fine, and makes probation harder for these people to do. The time they're spending on community service is time they could be using to make money. They can't buy their way out of community service--they have to do some work."

Although the program virtually has paid for itself via the amount of free labor provided by its participants, the continuance and enhancement of community service in many counties may be jeopardized. Originally, the State allocated $600,000 for the program--enough to fund one position in each county probation department to coordinate the program and arrange for work sites. Although the number of probation staff working in community service statewide exceeded 120 this court year, the State's allocation has increased to only $650,000, just 13% of the nearly $5 million the counties needed to run the program during 1989-90. Because of dwindling resources, in some counties community service already is limited to that which is mandatory under law. Future anticipated decreases in State funding may further curtail the county probation departments' ability to monitor community service participants.

"Granted, the State funding for the program already was a small percentage of the total budget," Burrell said, "and the counties should be able to make up the shortfall. But already the probation departments are limited in their monitoring of community service. In some instances, the contact may be solely an interview to determine a participant's skills, work capabilities, medical restrictions, and availability before making an appropriate match with a site and determining a work schedule. County staff have to establish a good-faith relationship with personnel at the sites, assuming that they are supportive, providing the training, and keeping track of the participants' hours. Most places are just so grateful to get help, it's in their own best interest to comply with the program's guidelines."

INVOLUNTARY CIVIL COMMITMENTS

A new statute governing involuntary civil commitments went into effect in June 1989, demonstrating a shift in the State's policy of psychiatric care provision from large, State-operated institutions to smaller, community-based facilities. To comply with this statute, each County or designated mental health service area is to develop a screening center and short-term care facility which will meet the needs for evaluation and acute care treatment of mentally ill individuals in the area.

Although there are many treatment-related reasons for having community-based mental health care, the effect of the statute on the Judiciary is an increased number of facilities which have voluntary and involuntary patients entitled to hearings. To fulfill the statutory requirement, hearing schedules are established with all facilities: either patients are brought to courthouses for hearings or a judge must hold the hearings at a particular facility. The latter procedure is the most common.

The Commitment Process

Usually, an individual initially is considered for involuntary commitment to a psychiatric facility based on behavior observed by police or other law enforcement officials, or on the recommendation of a relative. Upon evaluation within 24 hours by a psychiatrist at a screening center, one of which is available in designated geographic regions, an individual either is allowed to return home; or is referred or transported to an appropriate facility which can best meet the individual's needs--whether it be for short-term or acute care, or at a local, County, or State facility--anywhere in the State.

The Judge's Role

During the initial involuntary commitment stage, the courts become involved in the process.

Within 48 hours after arriving at the facility from the screening service, a second psychiatrist will evaluate the individual. If the second psychiatrist agrees with the first's conclusions--that the individual is a danger to him- or herself, to others, or to property--and believes that probable cause exists to determine that the individual is in need of being committed involuntarily, a certificate is sent to a judge. The certificate details the relevant standards of proof as outlined in the appropriate statute, and concurrently recommends involuntary commitment.

If the judge agrees with the psychiatrists' findings, the judge will sign a temporary commitment order, which includes a hearing date within 20 days of when the individual first was hospitalized. Within three months of the initial involuntary commitment hearing, another hearing must be held; and at subsequent three-month intervals, followup hearings must be held. After that time, additional hearings are required to be conducted annually, as long as the individual remains in the hospital. However, judges may, at their discretion, schedule followup hearings at earlier intervals.

Working hand-in-hand with the judges conducting involuntary commitment hearings are county adjusters. The county adjusters from the same counties in which the judges sit are responsible for scheduling hearings and forwarding appropriate notification to parties and attorneys.

Hearings are scheduled at five State hospitals approximately one day every week; at County and private facilities on a regular basis; and at short-term and acute care facilities on an ad hoc basis. Additionally, the appropriate county adjuster, from the individual's county of residence, must determine an individual's assets to determine the percentage of the cost of care that may be recovered by the County or the State, if appropriate.

At any time during the process, the individual may be released by an attending psychiatrist at the facility. Additionally, individuals have the right to appeal the disposition of any hearing to the Appellate Division of Superior Court.

During the 1989-90 court year, several judges conducted the involuntary commitment hearings throughout the State. Vicinages are assigned the responsibility for commitment proceedings at one of the five State institutions on a yearly rotating schedule based on a regionalized approach. For a three-month period last summer, the judges conducted between 1,000 to 1,200 cases per month statewide, at approximately 25 different sites, including all private, State, County, and short-term care facilities statewide. The judges heard an average of 60 cases per day, and as many as 100 at the State psychiatric hospitals.

While overseeing the involuntary commitment hearings is time-consuming for judges, the complicated process is equally demanding for personnel from other State and County divisions and offices as well. The most recent statute outlines specific guidelines to ensure swift and sure access to facilities and hearings; however, it assigns complementary responsibilities to various agencies which really are adversaries in the involuntary commitment process.

THE PASHMAN/BELSOLE COMMITTEE

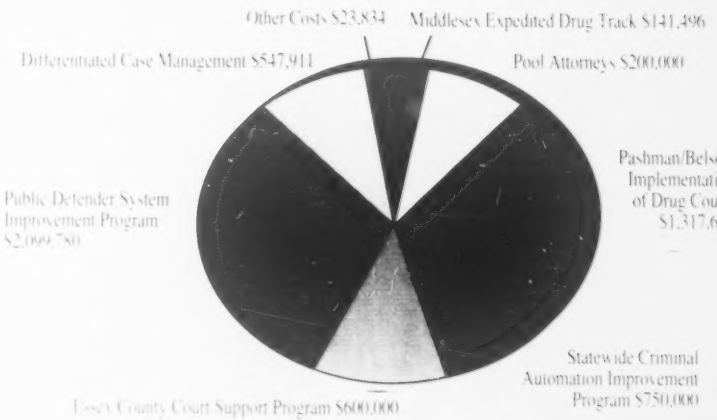
Spurred by the flow of drug cases which led to a marked increase in Criminal cases overall, the Special Committee to Assess Criminal Division Needs (the Pashman/Belsole Committee) recommended and called for an increase in court capacity--more judges, prosecutors, public defenders, and court staff--to deal with a mounting crisis in criminal justice administration.

The Committee also emphasized a need for the Judiciary and other agencies involved in the administration of justice to work together to revitalize the State's speedy trial program and to consider other alternatives that will aid in the reduction of Criminal case backlog.

Appointed by the Chief Justice in the fall of 1989 to advise him on permanent resources needed to prevent "a catastrophic breakdown of the criminal justice system," the 11-member Committee conducted an intensive study and analysis of the Criminal Division, measuring available resources against the current backlog and the projected volume of cases. The study included formal testimony from representatives from State, County, and local governments, and the criminal justice system.

Recommendations

- Emphasizing that there is "no question" that additional resources are desperately needed, the Committee concluded that at least 124 judges should sit in the Criminal Division to dispose of Criminal cases with reasonable speed; and called for the permanent transfer of 17 judges to the Criminal Division to reach that total of 124. [The Chief Justice transferred nine judges effective October 1, 1990, and announced plans to transfer eight more by July 1, 1991.]


Other Costs $23,834
Middlesex Expedited Drug Track $141,496
Differentiated Case Management $547,911
Pool Attorneys $200,000
Pashman/Belsole Implementation of Drug Courts $1,317,613
Public Defender System Improvement Program $2,069,780
Statewide Criminal Automation Improvement Program $750,000
Essex County Court Support Program $600,000

- In addition to recommending the transfer of judges, the Committee pointed out a need to address a serious shortage of public defenders.
- To insure the efficient processing of Criminal cases, the Committee established the essential components for a judicial unit, i.e., the number and type of personnel required to handle the cases before one court.
- Based on prior analysis of criminal dispositions, the Committee proposed standards for determining how many judges are needed to dispose of the pending Criminal caseload at any given time.
- The Committee encouraged the development of pilot programs to evaluate the use of masters, community action committees, and other options.
- Citing the success of the Intensive Supervision Program, and the continued overcrowding of prisons, the Committee recommended that other alternatives to incarceration be explored, and that ISP be implemented in all counties.

Funding:

While the State and Counties will need to allocate additional monies to implement the Committee's key recommendations, nearly $4.8 million in Federal Anti-Drug Act Funds allocated to New Jersey have been earmarked to carry out recommendations of the Committee. More than $2 million has been designated to meet the need for additional public defenders and staff, while another $1.3 million has been allocated to cover the initial transfer of nine judges to the Criminal Division. [See accompanying chart.]

Retired Justice Morris Pashman and former First Assistant Attorney General Donald R. Belsole co-chaired the Committee. Other members were: Edward W. Beglin, Jr., Union County Assignment Judge; Raymond M. Brown, President, Association of Criminal Defense Lawyers of New Jersey; Milton Heumann, Professor of Political Science at Rutgers; Patricia Maynard, former Morris County Freeholder Director; William D. McDowell, Bergen County Executive; Raymond R. Trombadore, former State Bar Association President; Stanley C. Van Ness, former Public Advocate and Public Defender; Richard J. Williams, Atlantic/Cape May Vicinage Assignment Judge; and James R. Zazzali, former Attorney General.

THE PATHFINDERS COMMITTEE

With a mandate "to scrupulously investigate every aspect of the Family Division [and to report on] what is wrong and what is needed," the five members of the Pathfinders Committee began a two-year, in-depth study in 1986. After reviewing all aspects of the Division's efforts, the Committee challenged the Judiciary and society as a whole with a "call to action" in its final report, released by the Chief Justice in early December 1989.

The five-member committee, chaired by Presiding Judge Robert W. Page of the Camden Family Division, conducted a thorough examination and evaluation of virtually every aspect of the Family Division, from daily operations, staff and judicial resources, to case management and relationships with the Bar. In compiling its information, the Committee conducted meetings with Judiciary personnel and representatives of several agencies and organizations whose participation is vital to the workings of the Family Court.

Serving with Judge Page were Judges Rosalie B. Cooper, Ocean County; Howard Kestin, Passaic County; Thomas Leahy, Essex County; and Birger Sween, Bergen County.

General Findings

The Committee cited the oft-repeated view that the Family Division, established in 1983 via constitutional amendment, is much-improved over its predecessor courts.

- The Family Division provides a much-improved structure for the consolidation of subject matter jurisdiction.
- Judges and staff are willing to develop, adapt, and use creative and innovative methods and programs to deal with issues that previously could not be adequately addressed or treated.
- Judges and staff are able to deal with issues that profoundly impact upon the most personal areas of individual's lives not only responsibly and authoritatively, but compassionately and sensitively as well.

Additionally, the Committee pointed out several areas of concern and future action that need to be addressed before New Jersey can achieve a premiere family court.

- The Family Division needs additional qualified, sensitive, and well-trained judges and staff; and the necessary support staff and programs (such as settlement panels, mediation, etc.) to work successfully toward a fully-integrated family court.
- The observance and implementation of court rules, directives, policies, and procedures differ significantly from county to county. The disposition of serious cases such as domestic violence, custody and visitation, and juvenile delinquency often depends more on the county of venue than any other factor.
- Presiding Judges and case management staff do not have control over key personnel and other elements to do their jobs effectively, and, consequently, there is non-uniform compliance with statewide court rules and directives.
- Judges and court staff need to have a better understanding of the behavioral sciences so they can better work effectively with social service providers.

Recommendations

The Committee concentrated its evaluation of the Family Division to three primary subjects and related topics: judicial areas, including judges, judicial education and training, administration, case management, appellate review, and relationship with the Bar; case types, including dissolution, juvenile delinquency, matters concerning children, and domestic violence; and resources, both personnel and programmatic. Highlighted here are key recommendations in those areas.

Judicial Areas: Judges should be assigned to the Family Division for at least three years, and those with a demonstrated affinity for Family Division work should be permitted to remain indefinitely.

- Judges under consideration for Family Division assignment should be selected by the Chief Justice and Assignment Judges based on specific attributes such as sensitivity to the needs of those in crisis, understanding of social mores and standards, and patience.
- Judges should be provided the opportunity to attend professional training and educational seminars and programs which will focus on subject matter areas directly related to their Family Division responsibilities, as well as judicial orientation and continuing education programs.

Case Types: Realistic time goals should be established for each case type, and priorities must be established for the quick disposition and expedited appeal of cases based on their degree of crisis.

Resources: The Family Division requires additional judges and staff to conform to minimum standards for the provision of services within the Division; a person should be assigned to each judge to assist with coordinating judicial actions and social services.

- Family Division courtrooms, waiting areas, conference rooms, and staff work areas all should be located in the main courthouse, should be upgraded, and should be provided with adequate security.

COURT INTERPRETING TEST

All of Hudson County's interpreters [pictured] made dramatic progress after re-taking the Court Interpreting Test, and one interpreter recorded the highest score ever.

Put yourself in the place of a person for whom English is not his or her native language. How would you feel if you were a participant in a court proceeding -- and couldn't understand a word that was being said?

That's the situation faced by more than 18% of New Jersey's citizens, all of whom speak languages other than English as their primary language. For them, the court interpreter is key to their receiving quality justice; for them, the screening, testing, and qualifying of interpreters, begun in 1987, has enhanced the quality of services they've received.

And while New Jersey--one among only a handful of states which require some type of certification or testing for interpreters--is now highly regarded throughout the country for its effort, its testing procedure wasn't particularly revered by the State's interpreters when it initially was implemented. It still has its detractors.

The impetus for screening and qualifying interpreters came from the Supreme Court Task Force on Interpreter and Translation Services in its final report in 1985. In October 1987, the AOC implemented a portion of the Task Force's recommendation for testing interpreters by two directives that provided for the following: all applicants for Superior or Municipal Court unclassified, Spanish-language staff interpreter positions must be tested; and any other new employee expected to interpret in court could not do so until taking the test and being approved by the AOC. Interpreters who had been hired prior to the 1987 directive were exempt, but it was recommended that they be tested as well.

The first court year the test was administered not one person passed. And of the 295 persons who have taken the test since then, only 24 (8%) have passed; another 47 (16%) have scored in the critical range. [Please see accompanying Court Interpreting Test Results graph on next page.]

Test Content and Procedure

"The test was designed to be an employment screening test, a performance test to measure whether an applicant can perform the functions of interpreting at minimal acceptable levels," explains Robert Joe Lee, AOC Chief of Court Interpreting, Legal Translating, and Bilingual Services. "The assumption until that time was that if a person was bilingual--and that meant everything from having a tourist's knowledge of another language to having native-like proficiency in both English and Spanish--he or she could interpret.

"What we've found through this test is that more than 50 percent of those taking the test fall at the 'tourist' end of the spectrum. They may be bilingual in some sense of the word, but they don't know enough of one or both languages to perform well on the test. For them, taking this test is like taking the bar exam straight out of high school."

The structure, content, and format of the test were developed and reviewed for fairness and applicability by leading experts, most of whom were Hispanics, in the field of legal interpreting and other relevant fields.

Different documents such as "real-world" pre-sentence reports and transcripts were used to develop the test. They were selected on the basis of their inclusion of linguistic features that will permit objective grading called "scoring units", e.g., general and legal vocabulary, grammar, idioms, numbers,

and names. After a review by an attorney to determine their applicability to an actual court setting and by a Spanish linguistics expert so that they were as "dialect-appropriate" as possible, the test materials were revised.

A pilot test was given to three interpreters, and based on the results, was revised once again before receiving final approval.

Job applicants are sent a basic overview of the test, including the sequence in which test sections will be administered, time constraints, the grading process, and criteria for passing; as well as information on how to prepare for the test and to strengthen the particular skills necessary to perform well on it.

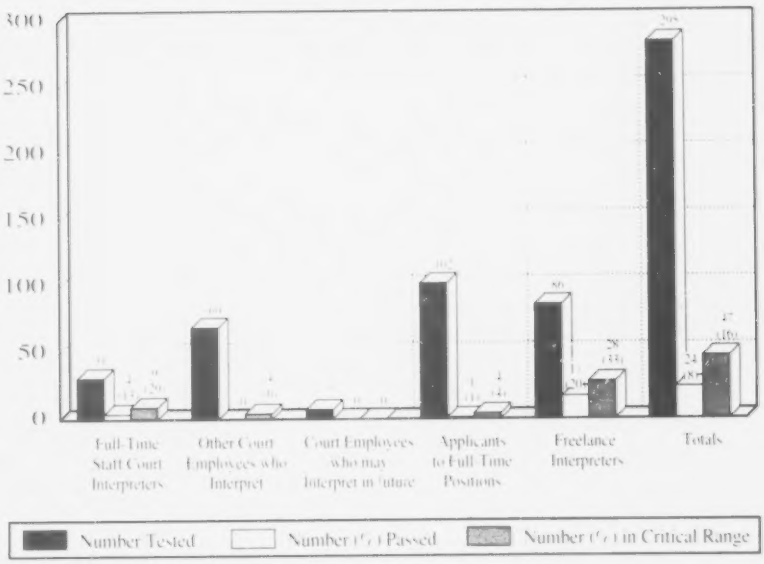
Those taking the test are evaluated in the three basic modes of interpretation: "sight," the oral translation of a written document (e.g., a pre-sentence report or a character reference letter) from and into both English and Spanish; "consecutive," the interpretation of questions into Spanish and answers into English (e.g., an attorney cross-examining a witness); and "simultaneous," the interpretation of a proceeding as it's happening (e.g., a running interpretation for a defendant at counsel table) into the listener's native language.

A panel of two or three examiners, including Federally- and United Nations-certified interpreters and Spanish linguists, administers the test, all three sections of which are timed. The simultaneous portion is designed to conform to a pre-determined rate of speech--one which is slower than that usually encountered in a court setting.

To further insure the test's reliability and validity, one of the three examiners is present at almost all testing sessions throughout the State. The examiners work from a dictionary of acceptable and unacceptable renderings prepared especially for the test and a binder containing the test. When there are professional disagreements as to the accuracy of a given interpretation, the benefit of doubt is given to the applicant. After considering lexical range, grammar, and intonation, all examiners must agree that a particular scoring unit is incorrect for it to be counted wrong.

To pass the test, an examinee must interpret at least 70% of the scoring units in each of the three sections. To score in the critical range, an examinee must score better than 50% on each of the test's three objective parts and 60% on all three parts combined.

COURT INTERPRETING TEST RESULTS



Use of Test Results

Vicinage officials are provided with names and test scores of all applicants for a particular position, and may then select and hire any tested applicant who is approved. Anyone who passes the test may be hired; anyone who scores in the critical range may be hired on a probationary basis, but is required to take courses--with tuition reimbursement from the AOC--and then re-take the test six to 18 months later. The presumption is that the coursework, coupled with job experience, will help the interpreter acquire the knowledge and improve the skills necessary for passing the test and moving out of probationary status.

Initially, those interpreters who performed not as well as they might have liked on the test labelled it biased, irrelevant, and "too hard." But, those perceptions seem to be changing. "We've given court employees direct feedback on their test results," Lee said. "In most cases, we've actually played their tapes back and let them see where their strengths and weaknesses are. Once they received their first evaluations, resistance began to decline."

Hudson County: A Case Study

New Jersey's test has been widely requested throughout the nation. Colorado's courts are using the test to certify its interpreters; a handful of other jurisdictions, including the Utah State courts and the U.S. District Court in Rhode Island, are considering its use;

and others, from Washington State to the Philadelphia Court of Common Pleas, are using it as a model for their evaluations. But no where is the test's applicability better illustrated than in Hudson County, which now boasts a complement of six interpreters.

"Our first perceptions of the test were based on a lack of information," said Rebecca Natal, Hudson's supervisor of interpreters. "Generally the feeling was that because we had been doing the job for so long without any complaints, then we were doing it right. People who had been interpreting before the directive was issued, and who were asked to take the test for diagnostic purposes, objected.

"We had the idea that the test should be based primarily on legal vocabulary and specialized terminology. But when it was explained to us that the test would be used to establish minimum standards for court interpreters who could be called to serve at any level, we understood then that the test could not be geared towards any specific legal arena. We were more receptive.

"The test does what it was established to do--it screens for minimum levels. If individuals don't have the requisite language ability and interpreting skills, they can't pass the test," Natal said. "Interpreters must develop a higher level of language skill and have a more extensive vocabulary than the average person. If one term doesn't jump into your mind, another has to. It's not enough to be fluent."

During the 1989-90 court year, Hudson's unit made dramatic progress in its interpreting prowess. All of the interpreters had scored in the critical range when they took the test the first time. After learning on-the-job, taking college courses, and developing in-house training, they re-took the test. All but one increased their scores dramatically and passed; the one who didn't pass scored in the critical range. In fact, one of Hudson's interpreters increased her score by 26 points, recording the highest score of anyone ever taking the test. Six other staff court interpreters--one each in Cumberland, Essex, Middlesex, Morris, Passaic, and Union counties--have since passed the test.

Based on an in-depth review of the test methodology, a particular person's weaknesses as identified by the test, or through their own screening, Hudson's interpreters have developed their own training program, primarily for people who have not yet passed the test but are interpreting in the Superior and Municipal Courts throughout the State.

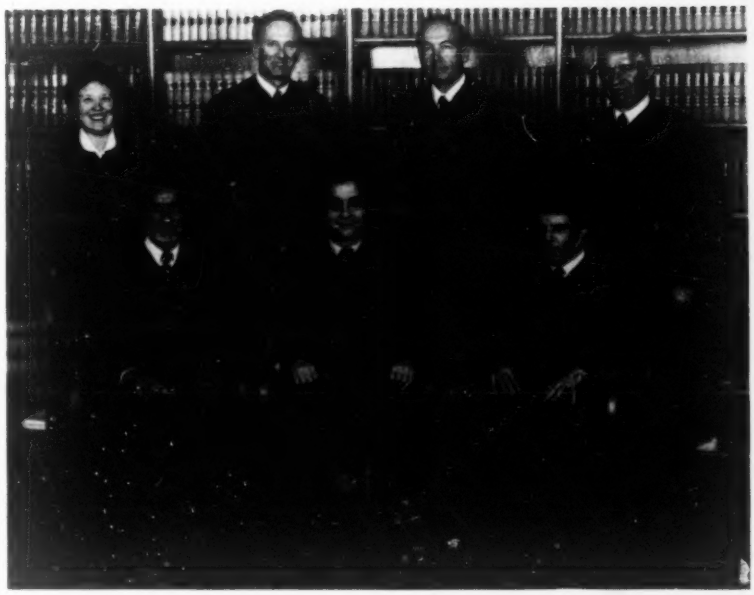
"Our court administration gave us the time, the funds, and the resources for initial training so we were able to pass the test," Natal said. "Essentially, we're just trying to pass on what we've learned."

Future Applications

For now, the test is used for employee screening purposes and as a diagnostic tool to evaluate strengths and weaknesses of those who are interpreting in Spanish and English. In the future, however, its role may expand. Pending legislation or future action by the Supreme Court may require certification--and yet higher standards--for the State's interpreters. Additionally, minimum standards will be established for people who interpret in other languages, when resources permit.

THE COURTS

THE SUPREME COURT



The New Jersey Supreme Court (left to right, seated): Associate Justice Robert L. Clifford, Chief Justice Robert N. Wilentz, Associate Justice Alan B. Handler; (standing) Associate Justices Marie L. Garibaldi, Stewart G. Pollock, Daniel J. O'Hern, and Gary S. Stein.

The Supreme Court is New Jersey's court of last resort. Its seven members are appointed by the Governor for a seven-year term. On reappointment, the members serve until age 70. Currently six members have tenure.

Under the *Constitution* of New Jersey, the Supreme Court has a number of areas of specific authority that go beyond the scope of normal appellate review. These include the administration of the courts, rule-making, policy review, and the discipline of judges and attorneys.

Appellate Review

Cases arrive at the Supreme Court through direct appeals, petitions for certification, interlocutory applications, and, in limited circumstances, petitions for the exercise of original jurisdiction. There are very few appeals as of right to the Supreme Court—the appeal must be based on a dissent in the Appellate Division, a substantial constitutional issue not previously addressed by an appellate court in New Jersey, or the imposition of a sentence of death for capital murder.

Most of the parties who seek Supreme Court review of final judgments of the Appellate Division do so by petitioning for certification. The Rules of Court are designed to encourage use of that procedure. Approximately nine percent (111 of 1,200 in the 1989-90 court year) of the petitions filed were granted by the Court.

Argued appeals normally are disposed of by published opinion. During the 1989-90 court year, 128 opinions were filed, disposing of 123 appeals, 16 disciplinaries, and one motion. Fifty-eight minority opinions, concurrences, and dissents also were filed. [Please see accompanying chart on next page.]

The Supreme Court also considers interlocutory applications. These can be generated within a pending Supreme Court case or in a motion to review an interlocutory decision of the Appellate Division. The Court disposed of 1,682 motions during 1989-90.

Disciplinaries

The Supreme Court has constitutional authority over admission to the bar and the discipline of attorneys and judges. Applications are presented to the Court from the Disciplinary Review Board, the Office of Attorney Ethics, and the Advisory Committee on Judicial Conduct. Petitions from the Clients' Security Fund also are considered by the Court in respect to trust funds frozen by Court Order in response to misappropriations by attorneys.

During the 1989-90 court year, the Court disposed of 196 disciplinary mat-

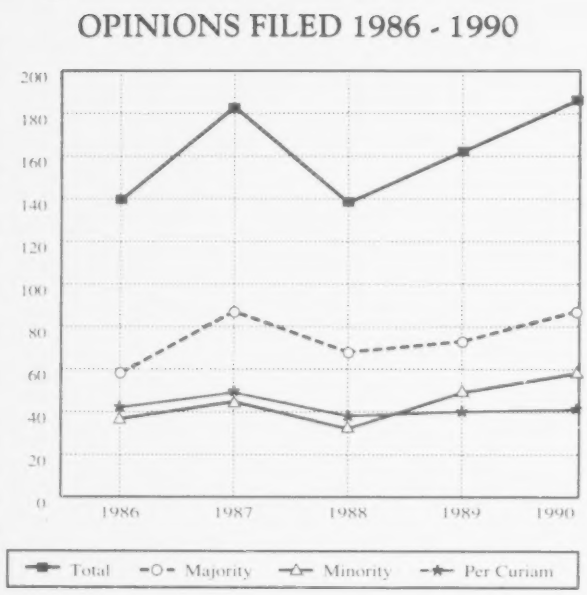
ters. Of those, 148 resulted in discipline, eight were petitions for reinstatement, and the remaining 40 did not involve the imposition of any discipline.

Admission to the Bar

The Supreme Court appoints and supervises the Board of Bar Examiners in its duties regarding the admission of new attorneys. The New Jersey examination is given twice yearly, in February and July. The tests coincide with the national administration of the Multistate Bar Examination, which comprises one-half of the New Jersey examination. The essay portion of the examination is prepared by the Examiners and graded by Readers and the Examiners. During 1989-90, the Court approved a request by the Board to allow it to conduct a study on the examination's format and grading. The Board's report to the Court will be filed during the 1990-91 court year. [Please see accompanying Bar Exam Passage Rate graph on next page.]

The Board of Examiners and Bar Admissions Unit are funded through the fees paid by applicants for the bar examination.

The Board of Bar Examiners, its Secretary, and the Chief of the Bar Admissions Unit are active members of the National Conference of Bar Examiners and the Committee of Bar Admission Administrators, respectively. Members of the Board and staff have participated in educational programs put on by both organizations.



Trial Attorney Certification

The Supreme Court's Board of Trial Attorney Certification was created in 1979. The first group of applicants was certified in January 1981 for a seven-year term. During the 1989-90 court year, the Board considered the second group of attorneys to seek recertification.

The trial attorney certification program is intended to improve the quality of trial advocacy and to inform the public about those members of the bar who have achieved a certain level of skill, knowledge, and experience in Civil and Criminal trial work. The Board certification is for seven years,

	Filings	Term.	Active Pending
'86-'90 Total Appeals	**1220**	**1222**	**947**
1989-90	186	205	178
1988-89	252	259	187
1987-88	244	227	194
1986-87	245	279	177
1985-86	293	252	211
'86-'90 Total Certifications	**6,817**	**6,859**	**1,889**
1989-90	1,217	1,200	374
1988-89	1,482	1,472	357
1987-88	1,354	1,398	347
1986-87	1,382	1,411	391
1985-86	1,382	1,378	420
'86-'90 Total Motions	**7,634**	**7,631**	**668**
1989-90	1,712	1,682	137
1988-89	1,742	1,790	107
1987-88	1,541	1,506	155
1986-87	1,415	1,444	120
1985-86	1,224	1,209	149
'86-'90 Total Disciplinaries	**716**	**673**	**220**
1989-90	201	196	67
1988-89	161	124	62
1987-88	113	122	25
1986-87	104	102	34
1985-86	137	129	32
'86-'90 Total	**16,387**	**16,385**	**3,714**
1989-90	3,316	3,283	746
1988-89	3,637	3,645	713
1987-88	3,252	3,253	721
1986-87	3,146	3,236	722
1985-86	3,036	2,968	812

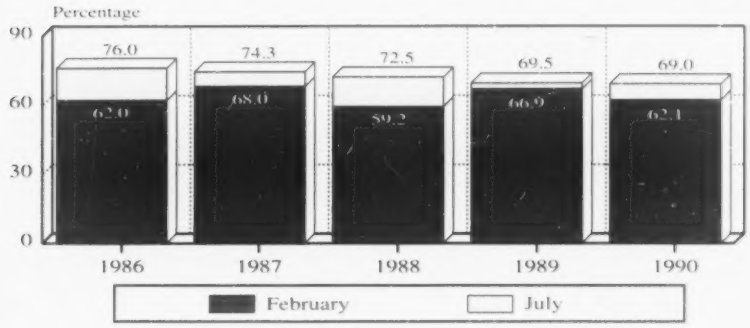
after which the attorney must apply for recertification.

During 1989-90, the Board successfully sought Supreme Court approval for the implementation of a public information program to increase the awareness of the trial attorney certification program and its benefits for consumers.

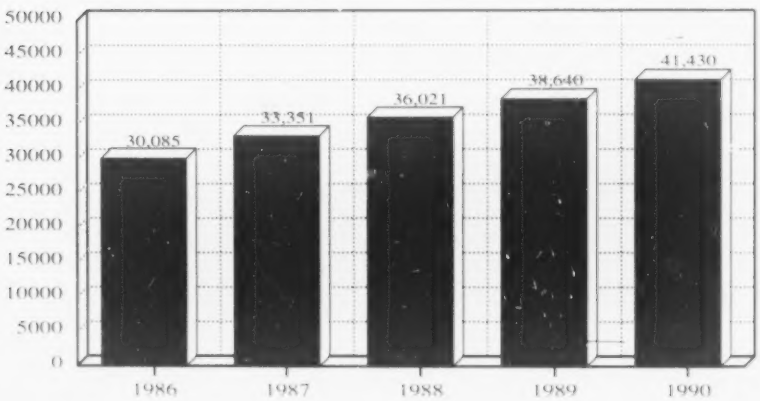
The operations of the Board on Trial Attorney Certification are funded by the attorneys who seek certification.

The staff attorney to the Board is an active member in the American Bar Association's committee on attorney specialization and has participated in ABA programs conducted by that committee.

BAR EXAM PASSAGE RATE 1986 - 1990



NUMBER OF ATTORNEYS 1986 - 1990



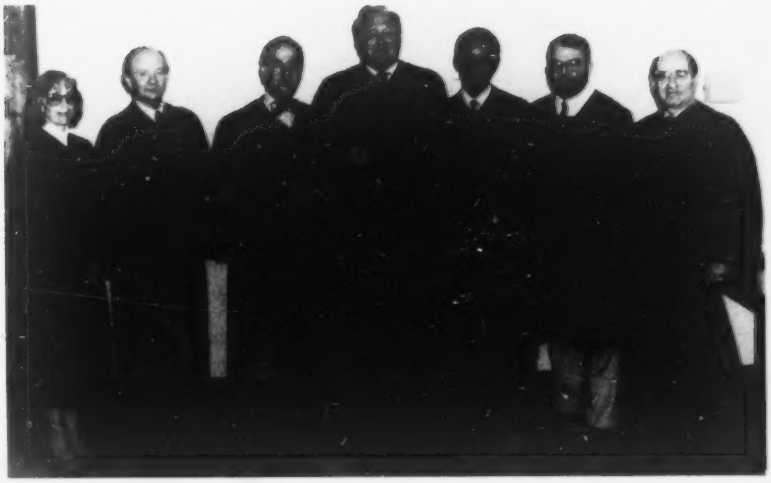
Administrative Matters

In addition to its judicial duties, the Supreme Court has the constitutional responsibility over the operation of all the courts. The Chief Justice is the administrative head of the courts, and the Administrative Director of the Courts assists the Chief Justice in that role. Individual members of the Court, appointed by the Chief Justice, also have significant administrative responsibilities. During the most recent term, particular activities included Associate Justice Marie Garibaldi's stewardship of the Complementary Dispute Resolution programs, Associate Justice Stewart Pollock's chairmanship of the Computerization in the Courts Committee, and Associate Justice Alan Handler's continued leadership in the area of judicial performance and evaluation.

The Clerk's Office serves as the administrative liaison between the Court and the Administrative Office of the Courts in those matters that do not arise out of the Administrative Office of the Courts.

The Clerk and Deputy Clerk of the Supreme Court are members of the National Conference of Appellate Court Clerks, the former having served as the President of that organization in 1987-88.

THE APPELLATE DIVISION



The Presiding Judges of the Appellate Division of New Jersey Superior Court (left to right): Judge Sylvia B. Pressler, Part E; Judge Melvin P. Antell, Part A; Judge Geoffrey Gaulkin, Part G; Presiding Judge for Administration Herman D. Michels, Part D; Judge James H. Coleman, Jr., Part F; Judge Michael P. King, Part B; and Judge James J. Petrella, Part C.

The Appellate Division of Superior Court is New Jersey's intermediate appellate court. The Court consists of 28 judges grouped into Parts of four judges each. Each Part is administered by a Presiding Judge who makes opinion assignments, establishes motion rotation, schedules arguments, and oversees the Part's overall workflow. The chambers of Appellate Division judges are located in Hackensack, Morristown, Jersey City, Springfield, New Brunswick, Red Bank, Trenton, Toms River, Westmont, and Atlantic City. Arguments are heard in courtrooms located in Hackensack, Morristown, Newark, and Trenton.

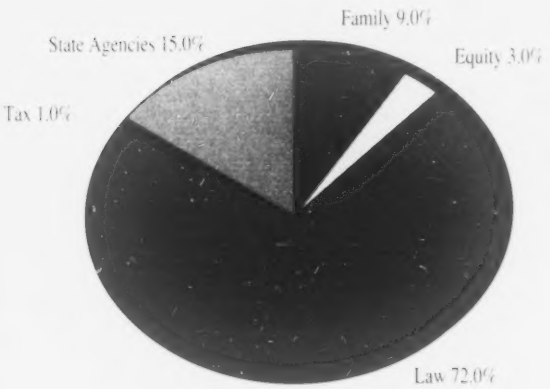
The Appellate Division considers appeals timely taken as of right from the final judgments of the Law and Chancery Divisions of Superior Court, in addition to the final decisions and orders of State administrative agencies. Litigants requiring Appellate Division review of an interlocutory or interim order of a trial court or agency may do so only with leave of the Court. This requires the filing of a motion for leave to appeal which may be granted and ruled upon immediately, granted and permitted to be processed for a later determination, or denied. If leave is denied, the party seeking review may do so as of right following the final judgment of the trial court or administrative agency.

The Appellate Division's mandatory review requirement, coupled with its statewide jurisdiction, make this a high volume court. During the 1989-90 court year, more than 7,000 appeals, most of which eventually are briefed and their issues considered by the Court, were added to the docket. Some appeals, however, are disposed of through other programs (described hereafter) established by the Appellate Division for the processing of certain types of appeals.

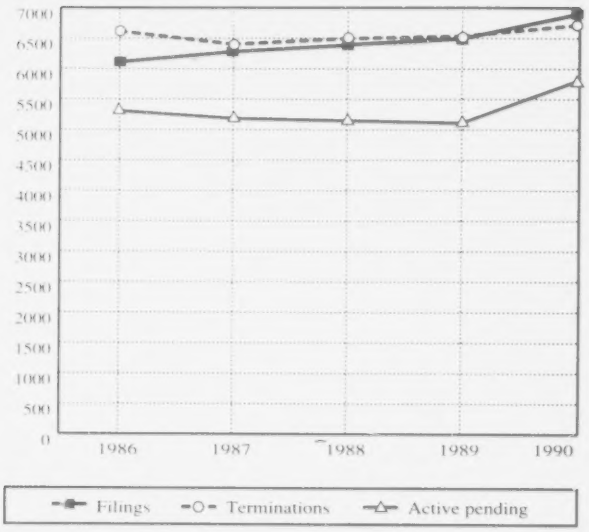
Civil Appeals Settlement Program (CASP)

This program, established in 1981, is designed to identify at the initial phases of processing those appeals which possibly could be settled. Alternatively, appeals with very complex issues may be selected for a pre-argument conference in order to delineate and clarify those issues prior to briefing. For the 1989-90 court year, the number of CASP dispositions rose to more than 500, almost the equivalent of the number of cases handled by a Part. [Please see accompanying graph on next page.] The program is administered by an Appellate Division judge, retired on recall, and was staffed during 1989-90 by four Appellate Division judges and one Supreme Court justice, all also retired on recall. Administrative support is

SOURCES OF APPEALS
1989 - 1990



1986 - 1990 CASELOAD



provided by Appellate Division Clerk's Office staff.

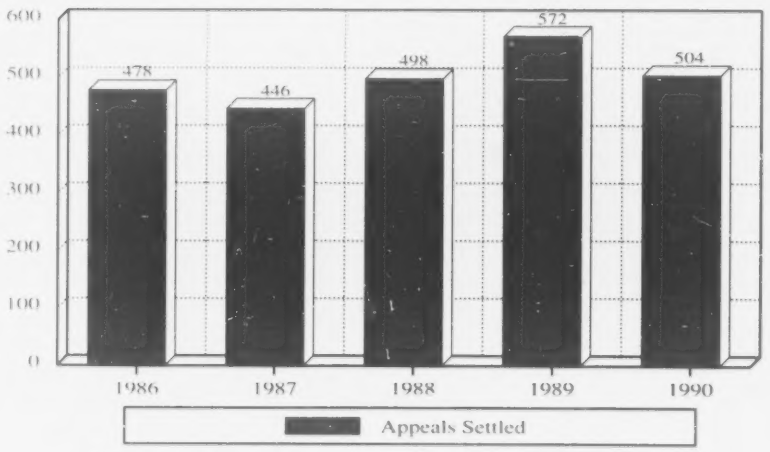
Sentencing Calendars

Sentencing calendars were started in 1982 as the Excessive Sentence Program, initially designed to dispose of those appeals in which the sole issue on appeal was the excessiveness of the sentence imposed. The program since has been expanded to include additional sentencing issues. Because of the narrow issues being addressed, appeals considered in this program are argued without the need for full briefing. This program has been very effective in reducing what had been a growing backlog of criminal appeals. [Please see accompanying graph.]

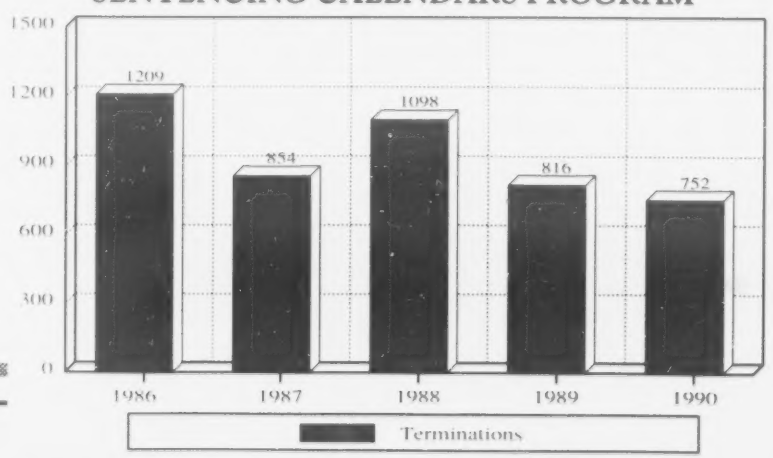
Appellate Custody and Termination Systems (ACTS)

Because briefs normally are filed only after transcripts of trial court proceedings are produced, the intent of the ACTS program is to eliminate delays in the production of transcripts in

CIVIL APPEALS SETTLEMENT PROGRAM



SENTENCING CALENDARS PROGRAM



certain categories of Family Division cases. Upon the filing of an appeal in these matters, audio tapes of the trial proceedings are forwarded to the Clerk's Office, where arrangements are made for the timely production of a transcript. To further expedite matters, attorneys or parties may merely amend and supplement their trial briefs, which will be acceptable as appellate briefs on the merits.

Administrative Offices

The Appellate Division's administrative offices are located in Trenton, and are headed by the Appellate Division Administrator. They include the Office of the Clerk, Central Appellate Research, the Office of Reporting Services, and the Office of the Administrator.

The Clerk's Office is the hub for much of the Appellate Division activity. This office processes all notices of appeal, motions, briefs and appendices, transcripts, and other miscellaneous filings. Cases are processed by five case processing teams. Four teams are staffed by case managers who process all civil, private counsel, and *pro se* criminal appeals. Because of the volume of Public Defender filings, one team is dedicated to handling those appeals. Staff from the Clerk's Office and the Offices of the Public Defender and the Criminal Justice Division of the Attorney General's Office have cooperated in the establishment of a number of procedures which help to expedite the processing of some criminal appeals. Besides the case managers, other staff include the Clerk, Deputy Clerk, Chief Counsel, staff attorneys, and various other clerical personnel arranged in functional units within the office.

The Central Appellate Research staff consists primarily of research attorneys and support staff who research and prepare legal memoranda on some of the more complex issues raised on appeal, prior to these appeals being calendared. In addition, they research issues raised in all appeals in which a party moves for summary disposition of the appeal.

The Office of Reporting Services, a recent addition to the Appellate Division, is headed by a Deputy Clerk and is responsible for all aspects of transcript production. This includes transcriber certification, productivity problems, installation of sound equipment, and staff training. This unit also is instrumental in investigating and resolving delays in transcript production, which helps reduce delays in the briefing of many appeals.

The Administrator's staff oversees all general functions of the administrative offices, and specifically handles matters relating to budget, staffing, office automation, and facilities management.

Members of the Appellate Division staff, through participation in activities such as appellate practice seminars, Bar Association committee meetings, and public hearings, are able to provide meaningful assistance to the Bar in the continuing effort to maintain a high standard of appellate practice.

In the Nation's Service

Presiding Judge for Administration Herman D. Michels was named President-Elect of the National Councill of Chief Judges of the Courts of Appeal. He will assume the Presidency in November 1991.

Ellen T. Wry, Director of Central Appellate Research served as Chairperson of the National Committee of Appellate Staff Attorneys (CASA) during the 1989-90 court year.

THE SUPERIOR COURT

New Jersey's Assignment Judges (front row, left to right): Assignment Judges Burrell Ives Humphreys, Essex Vicinage; Arthur N. D'Italia, Hudson Vicinage; Herman L. Breitkopf, Middlesex Vicinage; Administrative Director of the Courts Robert D. Lipscher; Chief Justice Robert N. Wilentz; Assignment Judges Harold B. Wells III, Burlington Vicinage; Peter Ciolino, Bergen Vicinage; Samuel G. DeSimone, Gloucester, Cumberland, Salem Vicinage; and A. Donald Bigley, Camden Vicinage; (back row) Acting Assignment Judge Patrick J. McGann, Jr., Monmouth Vicinage; Assignment Judges Edward W. Beglin, Jr., Union Vicinage; Eugene D. Serpentelli, Ocean Vicinage; Samuel D. Lenox, Jr., Mercer Vicinage; Reginald Stanton, Morris, Sussex Vicinage; Nicholas G. Mandak, Passaic Vicinage; Wilfred P. Diana, Somerset, Hunterdon, Warren Vicinage; and Richard J. Williams, Atlantic, Cape May Vicinage.

For the first time, more than a million cases were filed in the trial courts. During the 1989-90 court year, filings increased by 8%, the highest percentage increase in many years, and the rate of filings grew most heavily in the Criminal and General Civil calendars that require the bulk of trial judges' time. [Please see accompanying Trial Court Summary on page 3-10.]

Dispositions also topped a million cases for the first time. The trial courts terminated 9% more cases than during 1988-89. Still, the trial courts fell 26,916 cases short of clearing the calendars, which is about 12,000 cases better than the last court year, but still far below any other year this decade. [Please see accompanying Trial Court Clearance graph on next page.]

The growth of backlog due to lack of clearance was especially severe in the calendars where the judge-time is most needed: Criminal, Civil, Dissolution. The Trial Court Summary shows that

For the first time, more than a million cases were filed in the trial courts.

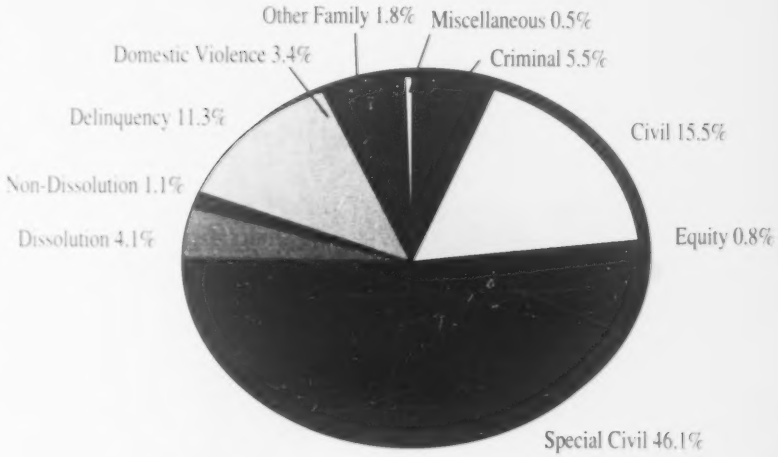
53% of the pending Criminal cases were in backlog at the end of the year, 31% of the General Civil pending caseload, and 38% of the Dissolution pending caseload. While a high percentage of other cases are handled without a significant amount of judge-time, these three calendars (Criminal, Civil, and Dissolution) together accounted for 69% of all trial court judge-time this court year. Increased filings and growing backlogs in these calendars, therefore, are powerful indications that more judges are required for the courts to stay on top of the workload.

Several Vicinages were especially hard hit with higher filings. Eleven counties had increases of 10% or more in total trial court filings: Cumberland, Somerset, Hudson, Passaic, Sussex, Warren, Camden, Cape May, Monmouth, and Morris. In the Criminal calendar, Ocean, Hudson, Warren, and Gloucester experienced extraordinarily high increases in filings; while in Civil, Essex, Somerset, Warren, and Atlantic had very high increases.

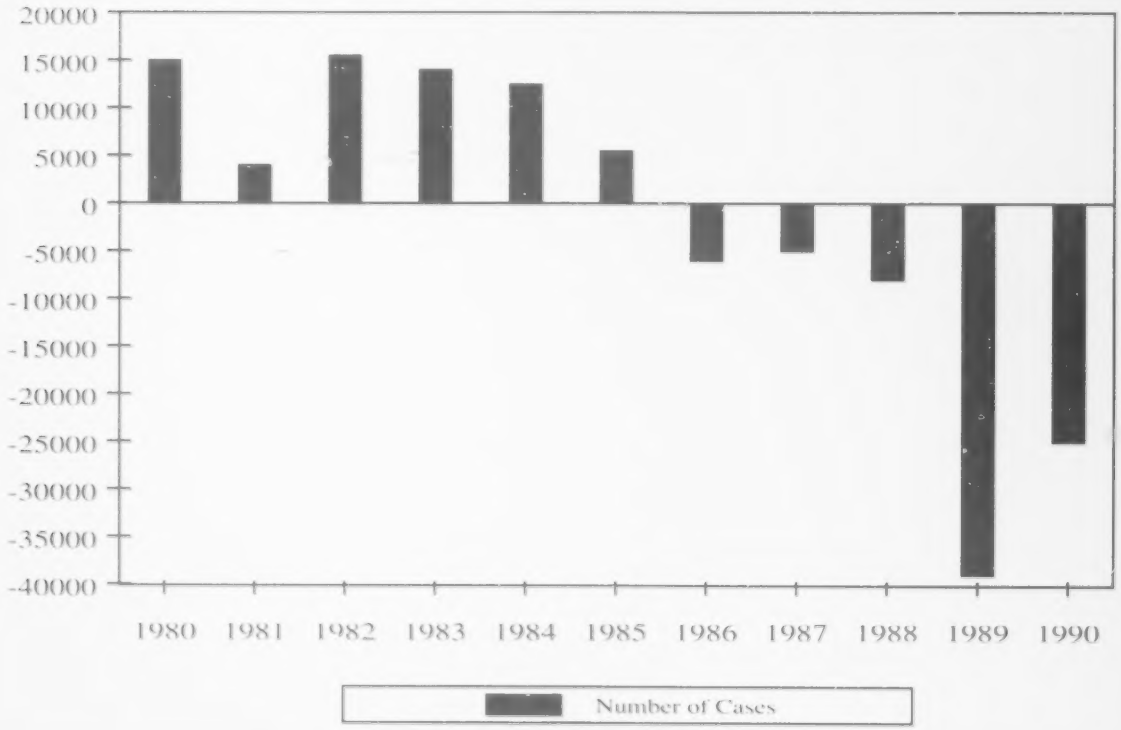
The response of the trial court system has been to cope as best it can. More

judges and other resources are assigned to the Criminal calendars, court procedures are streamlined in the Criminal Division, and quick decision-making on less serious cases is urged; the availability of complementary dispute resolution programs and settlement assistance in the Civil Division is emphasized. And in the Family Division, the development of improved procedures, better staff support, and clear priorities among the pending cases is urged. Finaliy, the Legislature and the Governor are urged to authorize more judgeships while the Judiciary continues to look for ways to use the current judges and staff as efficiently and effectively as possible.

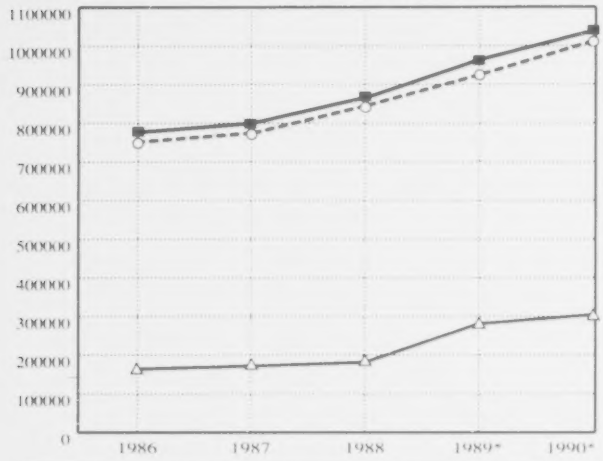
1989 - 1990 STATEWIDE COMPOSITION OF FILINGS



TRIAL COURT CLEARANCE 1980 - 1990



TRIAL COURT SUMMARY 1989-90

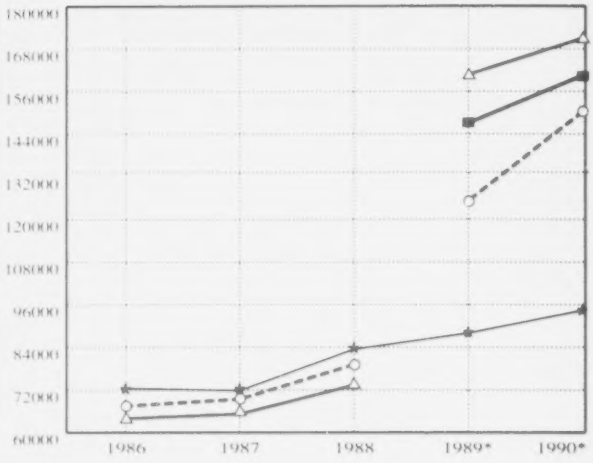


* On July 1, 1988, civil cases began to be counted as added at the time the complaint was filed. Before then, cases were counted as added at the time of the first answer. The change artificially increases statistical measures after 1988.

	Filings	Term.	Active Pending	Inventory	Backlog
Criminal	57,223 8%	50,609 10%	26,059 -	12,169 *47%*	13,890 *53%*
Municipal Appeals	3,875 10%	3,862 15%	1,102 -	762 *69%*	340 *31%*
Post-Collections Relief	310 1%	322 16%	114 -	49 *43%*	65 *57%*
Equity	8,410 6%	8,447 13%	4,587 -	3,402 *74%*	1,185 *26%*
Civil	160,465 9%	150,247 20%	170,903 -	118,547 *69%*	52,356 *31%*
Special Civil	478,308 8%	472,296 8%	48,647 -	44,779 *92%*	3,868 *8%*
Surrogate	1,274 27%	1,246 39%	513 -	450 *88%*	63 *12%*
Dissolution	42,979 6%	42,374 4%	17,672 -	11,016 *62%*	6,656 *38%*
Delinquency	117,602 0%	114,976 0%	14,189 -	10,207 *72%*	3,982 *28%*
Non-Dissolution	114,045 12%	113,464 14%	7,997 -	6,164 *77%*	1,833 *23%*
Domestic Violence	35,166 7%	35,305 8%	645 -	645 *100%*	0 *0%*
Other FAmily	18,235 21%	17,828 22%	11,628 -	11,628 *100%*	0 *0%*
Total	1,037,892 8%	1,010,976 9%	304,056 -	219,818 *72%*	84,238 *28%*

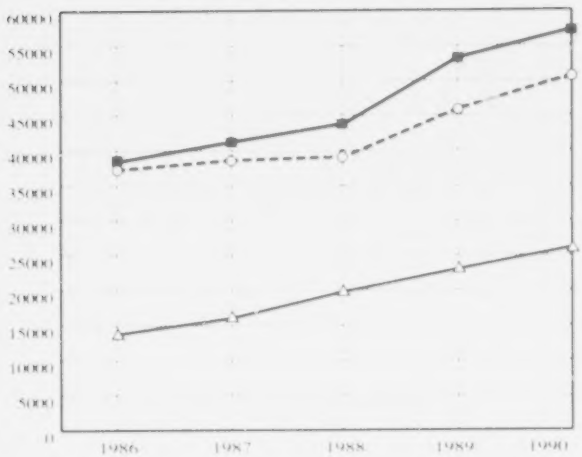
LEGEND: % CHANGE 1988-89 TO 1898-90 *% IN TOTAL ACTIVE PENDING*

1989 - 90 CIVIL



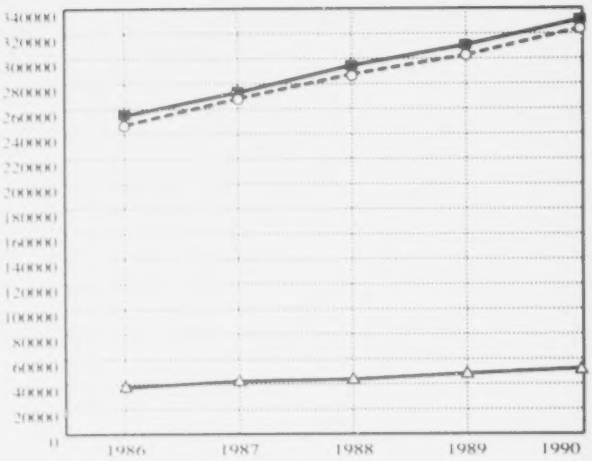
Vicinage	County	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
1	Atlantic	6,802	5,594	5,650	1,626	1,337
	Cape May	1,262	1,267	1,100	1,339	1,344
2	Bergen	18,392	16,809	15,380	1,293	1,182
3	Burlington	5,243	4,598	5,749	1,902	1,668
4	Camden	13,314	12,911	13,725	1,613	1,564
5	Essex	20,706	24,328	27,247	1,758	2,066
6	Hudson	13,042	10,238	11,561	1,849	1,451
7	Mercer	6,308	6,944	7,690	1,685	1,855
8	Middlesex	16,124	16,151	17,841	1,250	1,252
9	Monmouth	11,367	9,579	12,932	1,581	1,333
10	Morris	6,656	5,257	7,546	1,737	1,372
	Sussex	1,276	948	1,421	1,734	1,288
11	Passaic	11,788	9,401	13,338	2,419	1,929
12	Union	9,976	8,914	11,503	1,807	1,614
13	Hunterdon	1,030	1,126	1,068	889	972
	Somerset	3,501	3,093	2,815	1,531	1,352
	Warren	932	847	808	1,170	1,063
14	Ocean	6,695	6,121	7,207	1,153	1,054
15	Cumberland	2,245	2,561	2,092	1,500	1,711
	Gloucester	3,357	3,095	3,725	1,084	999
	Salem	449	465	505	1,491	-
	TOTAL	160,465	150,247	170,903	1,559	1,460

1989-90 CRIMINAL



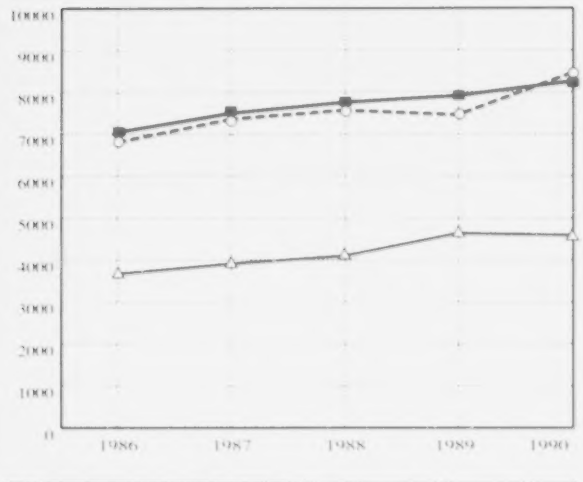
VICINAGE	COUNTY	FILINGS	TERM.	ACTIVE PENDING	FILINGS PER JUDGE	TERM. PER JUDGE
1	ATLANTIC	4,814	4,534	872	955	900
	CAPE MAY	973	1,064	208	723	790
2	BERGEN	2,486	2,734	1,022	323	356
3	BURLINGTON	1,124	905	782	482	388
4	CAMDEN	3,985	3,448	1,198	523	452
5	ESSEX	9,057	8,160	6,089	430	387
6	HUDSON	5,929	4,405	2,556	547	406
7	MERCER	3,114	2,401	1,809	537	414
8	MIDDLESEX	4,845	3,710	2,801	628	481
9	MONMOUTH	3,241	2,883	1,756	585	520
10	MORRIS	1,570	1,700	781	466	504
	SUSSEX	345	379	199	402	441
11	PASSAIC	2,851	2,998	1,040	328	345
12	UNION	4,025	3,552	1,524	560	494
13	HUNTERDON	376	426	113	473	536
	SOMERSET	800	867	195	344	373
	WARREN	867	740	491	681	581
14	OCEAN	2,452	1,999	1,162	792	645
15	CUMBERLAND	1,881	1,682	664	960	859
	GLOUCESTER	1,467	1,396	506	725	690
	SALEM	1,021	626	291	987	605
	TOTAL	57,223	50,609	26,059	532	470

1989-90 FAMILY



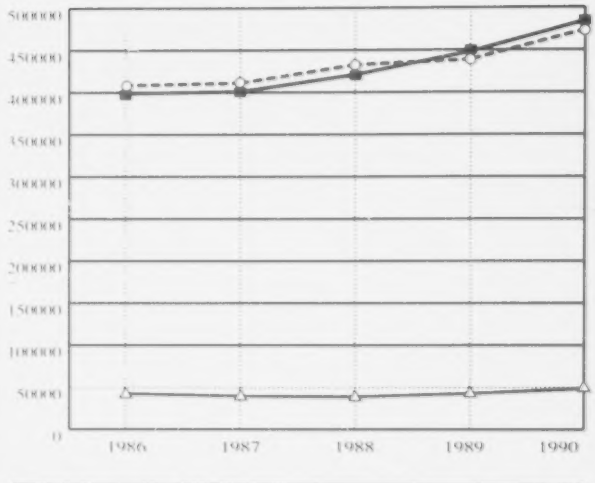
VICINAGE	COUNTY	FILINGS	TERM.	ACTIVE PENDING	FILINGS PER JUDGE	TERM. PER JUDGE
1	ATLANTIC	13,255	13,280	1,430	4,472	4,480
	CAPE MAY	5,390	5,423	561	4,990	5,021
2	BERGEN	23,733	23,781	2,663	4,120	4,129
3	BURLINGTON	15,226	14,787	2,498	5,506	5,347
4	CAMDEN	31,671	32,176	2,791	5,389	5,475
5	ESSEX	45,631	43,491	7,837	4,766	4,543
6	HUDSON	28,334	28,121	4,354	4,176	4,144
7	MERCER	15,805	15,639	3,339	3,750	3,710
8	MIDDLESEX	17,061	17,054	3,805	3,325	3,323
9	MONMOUTH	17,768	17,586	3,190	3,418	3,383
10	MORRIS	9,596	9,606	1,481	3,002	3,005
	SUSSEX	3,710	3,633	752	3,039	2,976
11	PASSAIC	26,412	25,926	3,938	5,976	5,866
12	UNION	18,091	18,243	2,464	2,969	2,993
13	HUNTERDON	1,905	1,965	351	1,965	2,026
	SOMERSET	5,631	5,502	740	4,297	4,198
	WARREN	2,836	2,820	444	2,943	2,926
14	OCEAN	11,905	11,719	2,437	3,156	3,107
15	CUMBERLAND	18,752	18,639	4,389	9,725	9,666
	GLOUCESTER	10,349	10,024	1,637	4,793	4,642
	SALEM	4,966	4,532	1,030	8,242	7,522
	TOTAL	328,027	323,947	52,131	4,317	4,263

1989-90 GENERAL EQUITY



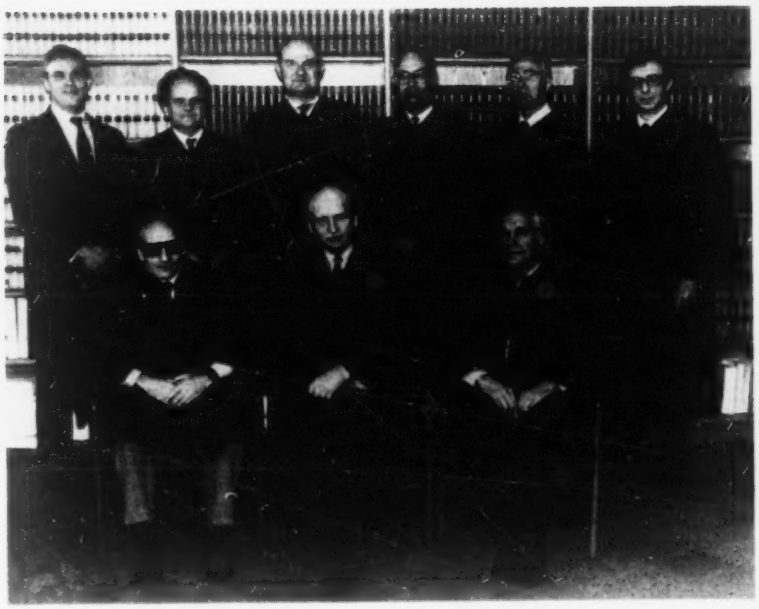
VICINAGE	COUNTY	FILINGS	TERM.	ACTIVE PENDING	FILINGS PER JUDGE	TERM. PER JUDGE
1	ATLANTIC	451	418	205	294	272
	CAPE MAY	187	168	97	-	-
2	BERGEN	744	701	553	440	414
3	BURLINGTON	461	537	263	489	570
4	CAMDEN	464	457	168	497	489
5	ESSEX	734	828	630	331	373
6	HUDSON	504	469	296	421	392
7	MERCER	311	293	102	557	525
8	MIDDLESEX	719	712	399	434	430
9	MONMOUTH	721	663	461	708	651
10	MORRIS	439	440	186	422	423
	SUSSEX	154	157	64	-	-
11	PASSAIC	384	402	263	331	346
12	UNION	341	417	178	275	336
13	HUNTERDON	240	237	46	-	-
	SOMERSET	286	278	80	378	368
	WARREN	91	86	38	-	-
14	OCEAN	663	764	292	703	810
15	CUMBERLAND	253	190	131	-	-
	GLOUCESTER	226	211	80	396	370
	SALEM	37	19	55	-	-
	TOTAL	8,410	8,447	4,587	472	474

1989-90 SPECIAL CIVIL



VICINAGE	COUNTY	FILINGS	TERM.	ACTIVE PENDING	FILINGS PER JUDGE	TERM. PER JUDGE
1	ATLANTIC	18,523	18,120	2,105	-	-
	CAPE MAY	5,095	4,990	489	-	-
2	BERGEN	42,565	42,058	3,924	18,489	18,269
3	BURLINGTON	17,794	17,663	2,074	-	-
4	CAMDEN	25,948	25,397	1,945	37,750	36,948
5	ESSEX	92,372	92,521	9,054	22,750	22,742
6	HUDSON	45,768	43,802	4,868	26,920	25,764
7	MERCER	18,534	18,372	1,158	23,042	22,841
8	MIDDLESEX	34,000	33,717	2,740	32,833	32,560
9	MONMOUTH	32,331	32,112	2,990	53,869	53,504
10	MORRIS	19,825	19,624	1,810	30,426	30,118
	SUSSEX	5,197	4,730	894	-	-
11	PASSAIC	29,917	29,669	3,020	28,620	28,382
12	UNION	32,656	31,783	5,150	44,278	43,094
13	HUNTERDON	3,065	3,024	612	-	-
	SOMERSET	10,225	9,969	1,092	-	-
	WARREN	3,107	3,225	171	-	-
14	OCEAN	21,741	21,896	2,249	29,239	29,448
15	CUMBERLAND	7,452	7,572	978	-	-
	GLOUCESTER	9,362	9,248	1,069	15,248	15,063
	SALEM	2,831	2,804	-	-	-
	TOTAL	478,308	472,296	48,647	27,980	27,628

THE TAX COURT



The New Jersey Tax Court (left to right, seated): Judge Michael A. Andrew, Jr., Presiding Judge Lawrence L. Lasser, Judge Anthony M. Lario; (standing) Tax Court Clerk Wesley LaBar, Judges Roger M. Kahn, David E. Crabtree, Marvin N. Rimm, John J. Hopkins, and Peter D. Pizzuto.

The Tax Court of New Jersey, a trial court with statewide jurisdiction, hears matters relating to State and local tax assessments. The Court reviews the actions and determinations of assessors and county boards of taxation with respect to local property tax matters, and of all State officials with respect to State taxes.

The Tax Court was established by the Legislature to afford taxpayers a prompt and impartial hearing and dispositions of their disputes with governmental taxing agencies by a qualified body of judges. In addition to hearing Tax Court cases, the six judges assigned to the Tax Court periodically are assigned to hear Superior Court cases.

Caseload

June 30, 1990, ended the Tax Court's 11th year. At its inception in 1979 the Court assumed a case inventory exceeding 25,000 cases. In the Court's first two years, cases more than two years old accounted for approximately one-half the Court's case inventory. At the close of the 1989-90 court year, 3.3% of the cases pending were over two years old.

At the beginning of the court year, the Tax Court had an inventory of 4,475 Tax Court and Superior Court cases. Tax Court cases and miscellaneous tax applications filed and Superior Court cases assigned to Tax Court judges during the court year totalled 7,901, yielding a total case inventory of 12,376. Dispositions totaled 5,262, including 697 Superior Court cases, resulting in an inventory of 7,114 cases by the end of the court year.

Caseload by type: Of the cases filed during the court year, 96% involved local property tax matters and 4% were related to State tax and Equalization Table cases.

Of the local property tax cases, 62% were regular claims, 38% were small claims.

Of the State Tax and Equalization Table cases, 51% were State tax cases, 39% were Homestead Rebate cases, and 10% were Equalization Table cases. [Please see accompanying chart and graph detailing character of complaints on next page.]

Dispositions: 90% of the local property tax cases were disposed of by motion, settled, or withdrawn, and 10% were tried to completion. Seventy-three percent of the State tax and Equalization Table cases were disposed by motion, settled or withdrawn, and 27% were tried to completion. At the end of the court year, pending were 6,796 local property tax cases, 238 State

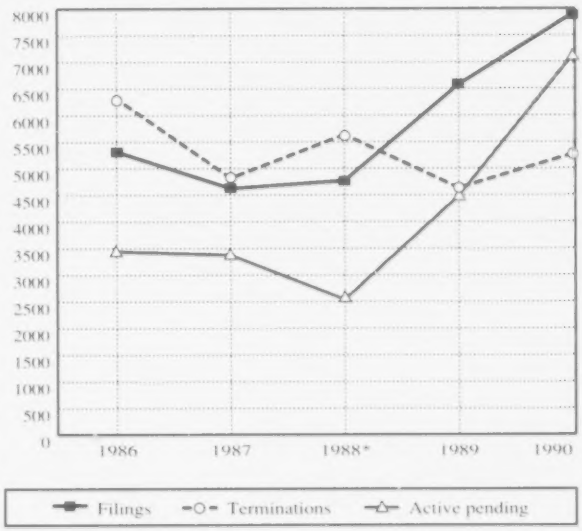
tax cases, and five Equalization Table cases.

Appeals from Tax Court

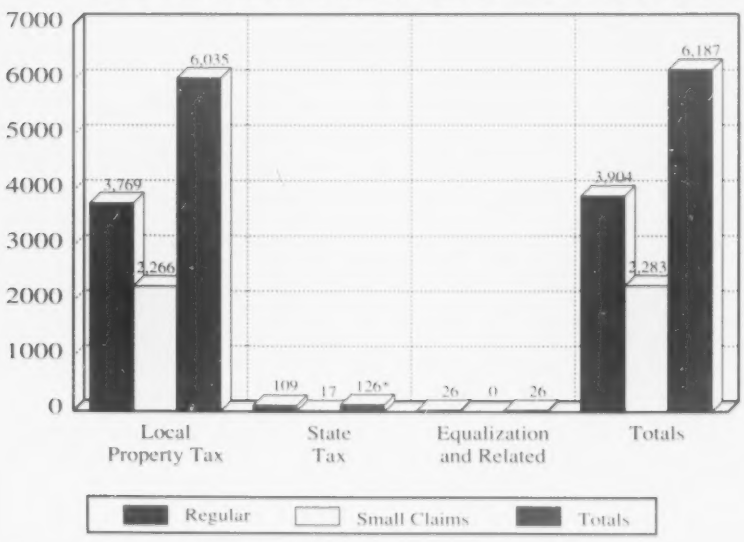
During the 1989-90 court year, the Supreme Court denied certification in nine Tax Court cases, dismissed one, and denied leave to appeal in two. Two petitions for certification were withdrawn.

Thirty-two decisions—the second lowest total of cases appealed over the Tax Court's 11 years—were appealed to the Appellate Division, which reviewed 41 Tax Court decisions and took the following actions: affirmed, 26; affirmed and remanded, 1; modified and as modified affirmed, 1; reversed and remanded, 4; dismissed, 3; dismissed cross-appeal, 1; dismissed and remanded (settled), 2.

1986-1990 CASELOAD



COMPLAINTS BY FILING FEE CATAGORY



* Does not include 96 homestead tax rebate complaints, one remand, one reinstatement and one transfer for which no filing fee is charged.

Character of complaints 1989-90

Local property tax

Vacant land	530
Residential	1,697
Farmland	32
Commercial	1,961
Industrial	403
Multi-family	1,002
Property type not stated in complaint	410
Total	**6,035**

State Tax

Attorney auto insurance	2
Business personal property	1
Corporation business	21
Gross income	29
Homestead Rebate	96
Inheritance tax	16
Litter control	1
Motor fuels sales	2
Public utility franchise	2
Realty transfer	2
Sales & use	50
Miscellaneous	1
Total	**223***

Equalization and related

Equalization (County)	3
Table of equalized valuation (School aid)	22
Order to revalue	1
Total	**26**

Total - All Complaints	**6,284**

** Does not include one remand (gross income tax) and one reinstatement (inheritance tax)*

This report is adapted from the Annual Report of the Presiding Judge of the Tax Court submitted to the Chief Justice of the Supreme Court of New Jersey pursuant to N.J.S.A. 2A:3A-24.

Standards and Principles Used by the Tax Court

Local property tax cases generally involve a determination of the value of property for assessment purposes. Value for assessing purposes is fair market value, the price that would be negotiated between a willing purchaser and willing seller, if neither were compelled to buy or sell. The fair market value standard is used to achieve the uniformity in assessment that is required by the New Jersey *Constitution*. The Court applies the valuation principles require by statute and the *Constitution* and determines fair market value by application of such of the three approaches to value as may be presented in evidence and deemed appropriate by the Court: 1) sales comparison, which estimates value based on sales of comparable properties; (2) cost, which estimates value based on construction costs less depreciation of the improvements plus the value of the land; 3) income, which estimates value based on capitalization of the income stream produced by the property.

Local property tax cases sometimes involve a claim of discrimination. In such cases the Court follows the legal principles established by the Supreme Court in *In re Appeals of Kents 2124 Atlantic Ave., Inc.*, 34 *N.J.* 21 (1961), and *Murnick v. Asbury Park*, 95 *N.J.* 452 (1984), as well as statutory provisions granting relief from discrimination contained in *N.J.S.A.* 54:51A-6 (Chapter 123 of the Laws of 1973).

Examples of the standards of assessment and legal principles used by the Tax Court during the court year may be found in the 25 opinions approved for publication in *New Jersey Tax Court Reports* during the year. These opinions are representative of the tax cases heard during the court year.

Clerk's Office

The Office of the Clerk is the administrative arm of the Tax Court. Its staff provides all support services, such as acceptance of filings, assignment, inventory, and tracking of cases, and preparation of calendars, judgments, transcripts, and statistical reports.

During 1989-90, staff focused on preparation for an anticipated increase in filings, including the implementation of a new personal computer-based case inventory and calendaring system.

Recommendations for Legislative Changes

In connection with Assembly bills 2977 through 2980 and Senate bill 388, introduced during the 1986-87 session, and Assembly bill 937 of 1988-89, the Supreme Court Committee on the Tax Court recommended modifications to these bills. The recommendations were approved by the Supreme Court and were submitted to the Legislature by the Administrative Office of the Courts. The recommendations included: 1) recall of retired Tax Court judges for temporary service; 2) permission to have added or omitted assessments exceeding $750,000 be appealed to the Tax Court, as are regular assessments; 3) provision for uniform procedure with respect to the requirement for payment of taxes as a prerequisite to maintaining an appeal of an assessment; and 4) provisions for extension of time for appeal when tax bills are not timely delivered to taxpayers.

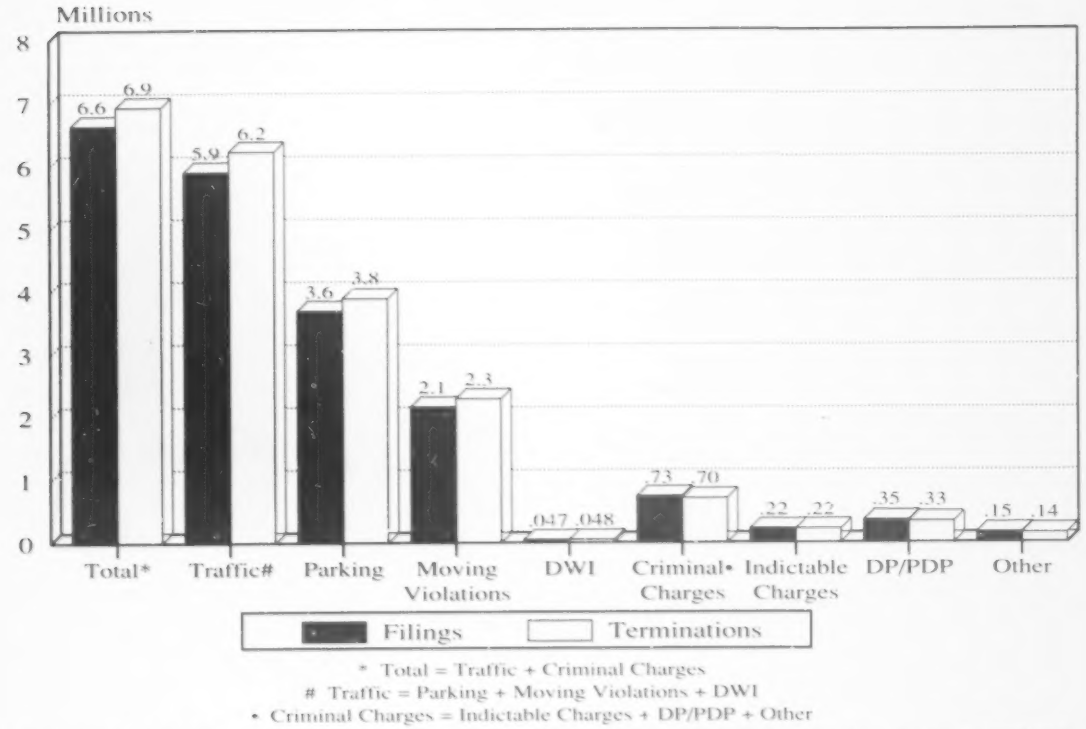
Additionally, the committee recommended other amendments to several statutes.

Publication of Opinions

Summaries of opinions approved for publication are published in the *New Jersey Law Journal*. "Slip" opinions are made available by the Administrative Office of the Courts. West Publishing Company publishes the opinions in *New Jersey Tax Court Reports* and issues advance sheets prior to publication of these reports.

Volume 10 of the *New Jersey Tax Court Reports* was published in the spring of 1990. *New Jersey Tax Court Reports* contains State and local tax opinions and Appellate Division opinions which decided appeal from Tax Court decisions but were not published in *Superior Court Reports* and so were published in *Tax Court Reports* to complete the record.

THE MUNICIPAL COURTS



During 1989-90, Municipal Court Judges disposed of more than 6.8 million cases, clearing the calendar by 310,712 cases.

The State's 535 Municipal Courts are courts of limited jurisdiction, having responsibility for motor vehicle and traffic violations, disorderly and petty disorderly persons offenses, certain penalty enforcement actions such as fish and game violations, specified criminal offenses, and probable cause hearings for indictable offenses. The territorial jurisdiction of these courts generally extends to the boundaries of each municipality. Of the 535 Municipal Courts, 16 were inter-municipal or joint courts serving more than one municipality.

Municipal Court Judges are appointed by Mayors, except in joint courts where appointment is made by the Governor with the advice and consent of the Senate. Municipal Court Judges serve for a three-year term and until their successor is appointed and qualified. They have no tenure and are not bound by a mandatory retirement age, characteristics which distinguish these judges from all others in the Judiciary.

The majority of the State's 365 Municipal Court Judges serve the Judiciary part-time and maintain private law practices.

Caseload

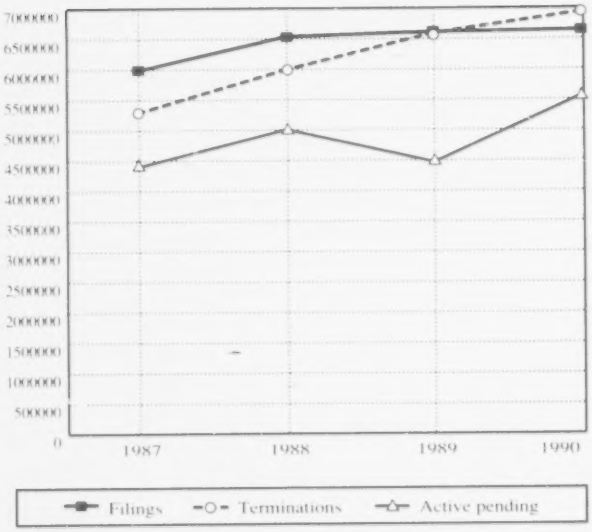
The Municipal Court caseload contains three separate components—parking violations, traffic violations, and criminal proceedings. These courts traditionally have the greatest volume of cases filed and disposed during any given year. During the 1989-90 court year, Municipal Court Judges disposed of more than 6.8 million cases and cleared the overall calendar by 310,712 cases. [For a breakdown of the number of cases processed during 1989-90 please see the accompanying graph above.]

Automated Traffic System (ATS)

The cornerstone of the Judiciary's efforts to modernize and improve the state's Municipal Courts, ATS is

designed to permit Municipal Court personnel to perform all case management functions from initial entry, case status updating, case histories, to collections, disbursements, and case dispositions. Additionally, ATS enhances and speeds up the direct exchange of information between the courts and the Department of Motor Vehicle Services.

1986-1990 CASELOAD



As of the end of the court year, ATS was operational in 125 courts and was processing 46% of all tickets issued. At least one court in each Vicinage is using ATS, and among the users are the State's largest courts, including Newark, Union City, Paterson, and East Orange.

Several courts are participating in a pilot program which places ATS terminals on the Bench. Through these terminals, judges can, at sentencing, immediately access a defendant's driving history. Personnel at all State Police barracks and Police Departments in municipalities using ATS can access the system as well.

Initial funding—approximately $8 million—for ATS was provided from the Department of Law and Public Safety's insurance surcharge fund.

DWI Backlog Reduction Program

Adjudication of DWI matters has been a high priority since the Chief Justice established a 60-day arrest to disposition goal on all DWI matters in 1984.

At the end of the court year, 11,407 DWI cases were pending, 5,354 (46.9%) of which were over the 60-day limit. Increased law enforcement has resulted in the DWI caseload rising from 36,991 cases in 1985 to 46,543 in 1990.

N.J.S.A. 26:2B-35 provides for an annual distribution of monies to municipalities that have experienced increases in DWI filings. During the 1989-90 court year, $581,081 was distributed to 399 Municipal Courts, consistent with the statute.

Education and Training

A major focus of the staff of the AOC Municipal Court Services Division is education and training for Municipal Court Judges and personnel. Seminars and programs as outlined by the Supreme Court Committee on Municipal Court Education are held annually.

During 1989-90, Division and Committee staff collaborated to organize a judicial conference, "Access to the

1989-90 CASELOAD SUMMARY

County	Filings	Term.	Active Pending
Atlantic	205,964	184,421	160,796
Bergen	659,176	625,627	370,943
Burlington	195,798	205,389	25,535
Camden	278,135	266,600	120,214
Cape May	129,655	134,034	27,234
Cumberland	59,294	60,407	7,061
Essex	986,307	771,180	443,301
Gloucester	104,755	104,758	21,485
Hudson	1,470,220	1,972,033	3,111,709
Hunterdon	64,650	62,998	12,330
Mercer	276,616	301,136	58,680
Middlesex	418,509	415,609	189,571
Monmouth	337,930	339,360	69,753
Morris	262,680	263,225	80,058
Ocean	210,528	209,579	46,796
Passaic	305,574	361,656	221,404
Salem	41,808	43,930	6,828
Somerset	118,916	120,165	18,566
Sussex	38,385	38,815	4,365
Union	413,411	393,088	549,203
Warren	60,767	61,480	7,195
TOTAL	6,639,078	6,935,490	5,553,027

Courts," along with regularly-scheduled training sessions on topics including DWI, the law of evidence, sentencing alternatives, and motions to suppress. Additionally, 335 Municipal Court Judges attended one-day seminars on "Handling Alcohol and Drug-Related Cases," and all new judges attended an orientation seminar designed to familiarize them with judicial ethics, court administration, budget and fiscal management.

In addition to overseeing education initiatives for judges, AOC staff focus on training for court clerks and administrators as well. A six-week course, "Principles of Municipal Court Administration," is given for all new clerks and administrators in three regional sessions twice a year. Three regional, five-day seminars on management training are held for all administrators, clerks, and deputy clerks.

THE VICINAGES

VICINAGE 1

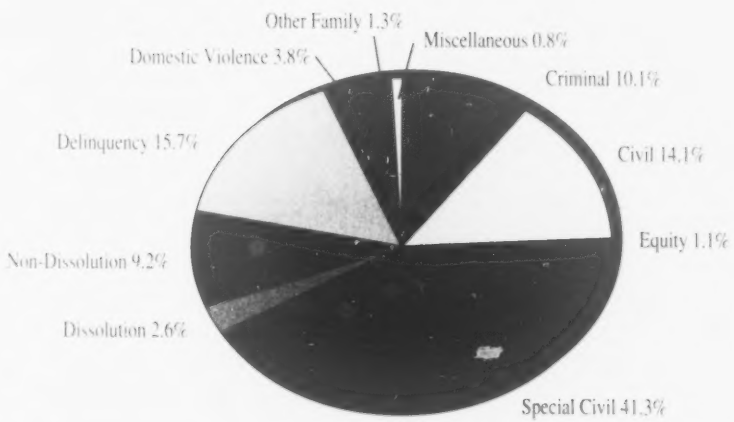
ATLANTIC, CAPE MAY COUNTIES

Richard J. Williams
Assignment Judge

Charles E. McCaffery
Trial Court Administrator

With considerable work in the past on assigning and training teams of staff to assist Criminal and Family Division judges, the Atlantic/Cape May Vicinage initiated the team concept in the Civil/General Equity Division, incorporated Child Placement Review into the Family Division Direct Service Teams, and reduced the age of backlogged cases in the Criminal Division by more than 20%.

- In addition to developing a comprehensive training policy for all court managers and staff, scheduled for implementation in January 1991, Vicinage staff attended a two-day seminar on case management for all judges and court managers, and conducted in-house financial training for both Superior Court and Municipal Court personnel who handle monies.
- In the area of automation, the most significant project was the conversion of the Promis/Gavel system in Atlantic County to the AOC mainframe. In addition, seven Municipal Courts were added to the Automated Traffic System (ATS). Plans are under way for the implementation of the Automated Case Management System (ACMS) Special Civil Part application.
- In Atlantic County, salary ranges were established for all non-administrative staff, including judges' secretaries not covered by contracts.
- In Cape May County, Probation Department offices were relocated and Civil Division offices were moved to temporary facilities at the Historic Courthouse in Cape May Courthouse. The latter move freed additional space for the Family and Criminal Division staffs at the temporary courthouse in Cape May.



ATLANTIC, CAPE MAY COUNTIES

Team Case Management

With an eye toward the future caseload demands predicted to challenge the Judiciary, judges, court managers, and court staff all have cooperated in an effort which promises to increase productivity and efficiency in case management. The result is a "team" approach, through which all Judiciary case management staff have a personal stake in enhancing the courts' work.

Although there is no standard model for the organization of case management teams, the basic theory is that teams are assigned their own caseloads, and, as a group, are responsible for virtually all aspects of their particular cases, including scheduling, calendaring, and general case processing; communicating with attorneys to resolve any difficulties; and doing all that is necessary to ready those cases for a team judge.

Because teams are involved with cases throughout the entire judicial process, team members often can troubleshoot problems, and readily adapt to changes in caseload and case type, as well as in statutes, rules, and procedures. Within the team structure, the members are encouraged to initiate and implement their own methods to increase productivity and performance or to enhance the quality of their work.

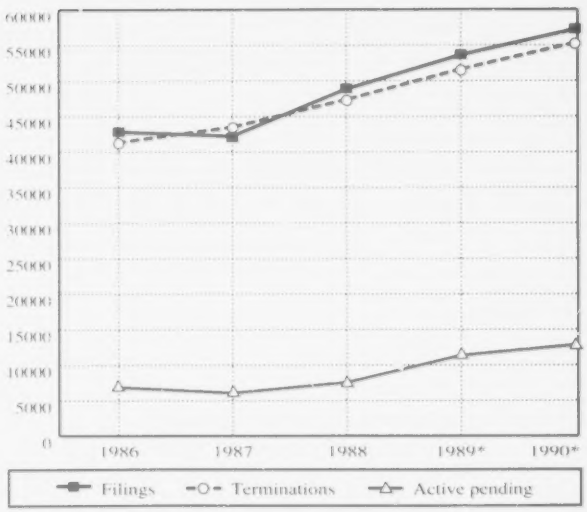
"In a system faced with increasing caseload and decreasing resources, and where more than 90% or all cases are resolved by means other than trial, it is essential that we recognize the need for shared authority and responsibility among judges, administrators, and professional staff," said Assignment Judge Richard J. Williams.

In Atlantic/Cape May, the team concept is in place in the Criminal and Family Divisions. Both divisions use different case management team models, necessitated by the distinctions in caseload and case type.

In Criminal, four teams (A,B,C,D) are assigned to the four judges, and each is reponsible for managing that judge's calendar and preparing standard reports for their cases. Teams of two prosecutors and two public defenders also are assigned to each judge. Additionally, an Early Disposition Team screens cases at the pre-indictment stage, a Screening Team processes indictments and assigns cases to specific case management teams, and Team W—comprised of County Clerk's Office personnel—handles recordkeeping for all cases.

In Family, three teams (A,B,C) handle juvenile, abuse and neglect, and non-dissolution cases. Cases are assigned to the teams on a regional basis, the regions being Atlantic City, the remaining shore area, and the rest of the county respectively. The Assistant Case Manager handles dissolution matters, while personnel in a "Case Reception Unit" handle all domestic violence cases and "walk-in" cases. An Information Management Unit processes certain aspects of juvenile cases, and a Direct Filing Unit schedules and processes all other complaints.

The three teams are assigned to a particular judge for handling of consent orders, but otherwise three judges each oversee part of the dissolution/non-dissolution caseload, along with one specific case type: guardianship cases, juvenile cases, or domestic violence and abuse and neglect cases.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	4,814 973	4,534 1,064	872 208	955 723	900 790
Civil	6,802 1,262	5,594 1,267	5,650 1,100	1,626 1,339	1,337 1,344
General Equity	451 187	418 168	205 97	294 875	272 786
Special Civil	18,523 5,095	18,120 4,990	2,105 489	47,929 36,990	46,886 36,228
Family	13,255 5,390	13,280 5,423	1,430 561	4,472 4,990	4,480 5,021
Dissolution	1,039 450	1,039 467	449 177	- -	- -
Non-Dissolution	3,589 1,666	3,587 1,665	197 132	- -	- -
Delinquency	6,648 2,352	6,700 2,378	306 65	- -	- -
Domestic Violence	1,493 660	1,496 653	28 10	- -	- -
Other Family	486 262	458 260	450 177	- -	- -
Miscellaneous	262 185	241 172	55 29	5,604 4,118	5,155 3,829
Total	44,107 13,092	42,187 13,084	10,317 2,484	3,115 3,482	2,979 3,480

LEGEND: ATLANTIC CAPE MAY

VICINAGE 2

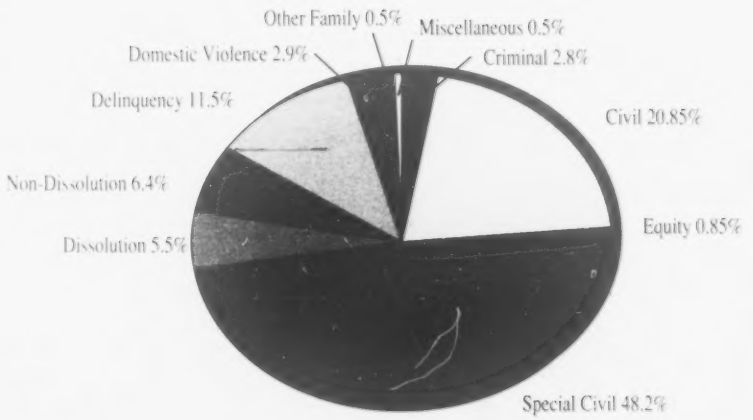
BERGEN COUNTY

Peter Ciolino
Assignment Judge

Dr. Conrad J. Roncati
Trial Court Administrator

The Civil Division used the Automated Case Management Computer System (ACMS) to backload all Civil and General Equity cases, tested motion and dismissal calendars, and expanded the Personal Injury Arbitration and Panel Conference Programs.

- The Chancery/General Equity Division has been consolidated so that judges and staff are located in the same area of the courthouse.
- Criminal Division personnel concentrated their efforts in implementation and improvement of case management methods and procedures, including teambuilding, a central calendar to monitor caseflow and to insure proper noticing to all parties, and consolidation and redesign of work areas. Additionally, a computer system linking the Division with State and Federal agencies and other county information systems was installed.
- Staff in the Family Division began a reorganization of their office into several sections, each to be administered by a management team to better prioritize and track cases from inception to disposition. To involve members of the Family Law Bar and keep them apprised of contemplated administrative changes, monthly meetings among the Family Presiding Judge, Case Manager, and Bergen County Bar Association Family Law Committee were inaugurated, and reports were mailed monthly by the Bar Association to its members.
- The Probation Department augmented its existing programs. Besides negotiating reimbursements for victims, the Victim Offender Reconciliation Program provides a forum for victims to address their concerns with court officials. Through VORP, begun in September 1988, agreements totalling $27,243 were negotiated, $15,000 from one agreement alone.
- A closed circuit television hook-up between the Juvenile Court and the detention facility has been established to hear cases on an expedited basis via video.
- Four new courtrooms and a new administration office have been established, and new staff have been hired for the Personnel Office.
- A conference on Caseflow Management was held at Bergen Community College for key Judiciary personnel.



BERGEN COUNTY

Victim/Offender Reconciliation Program

For most juvenile offenders throughout the State, monetary restitution for a crime may mean simply nothing more than paying a debt. But in Bergen County, the scenario is a little different. Through the Victim/Offender Reconciliation Program (VORP), not only do crime victims have input into how restitution will be paid, but juvenile offenders do as well.

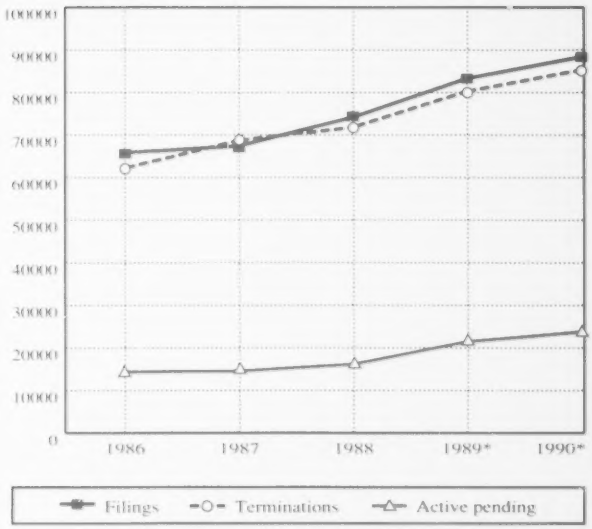
Susan Weil, principal probation officer [pictured above], has overseen VORP since its initiation in September 1988. Her role is not only to act as a liaison with the victim and the already-adjudicated juvenile, but to fashion a payment agreement that is acceptable to both parties.

"Victims use the program to express how they feel about what happened to them, to give a sense of closure to what's happened. The juveniles have a chance to admit responsibility for their actions," Weil says. "The principles behind the program are that if juveniles see that there actually are people affected by what they did, and have some input into what can be done as far as restitution, juveniles would be more likely to pay."

Any victim or juvenile offender has the option to decline participation in VORP, and instead may seek court-ordered restitution. If the victim agrees to participate in the program, Weil will discuss with the victim a plan for the juvenile's payment of restitution. The victim's input is taken into consideration when Weil fashions a final payment agreement.

As for the juvenile offender, Weil tries to talk or meet with the juvenile at least twice before allowing a meeting with the victim, if requested by the victim; and before finalizing a feasible payment agreement with the juvenile and his or her parents. The agreement is co-signed by a judge and becomes a condition of the disposition of the case. If agreement cannot be reached, a judge will decide on the amount of restitution payment.

"The process is, in part, based on the juvenile's ability to pay. If the juvenile is indigent, an attempt is made to discover some realistic amount of restitution that can be paid. In some situations, community service is used; in others, a juvenile's parents will pay the restitution and repayment to the parents becomes part of the court order," Weil said.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	2,486	2,734	1,022	323	356
Civil	18,392	16,809	15,380	1,293	1,182
General Equity	744	701	553	440	414
Special Civil	42,565	42,058	3,924	18,489	18,269
Family	23,733	23,781	2,663	4,120	4,129
Dissolution	4,874	4,928	1,903	-	-
Non-Dissolution	5,633	5,631	91	-	-
Delinquency	10,189	10,134	174	-	-
Domestic Violence	2,596	2,634	0	-	-
Other Family	441	454	495	-	-
Miscellaneous	408	364	189	488	436
Total	88,328	86,447	23,731	2,718	2,660

VICINAGE 3

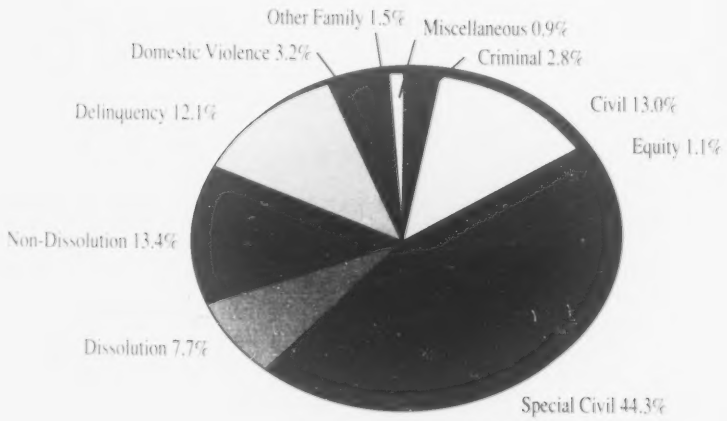
BURLINGTON COUNTY

Harold B. Wells, III
Assignment Judge

James M. Parkison
Trial Court Administrator

Civil Division staff implemented an experimental alternative dispute resolution program involving commercial arbitration and mediation, and increased the number of cases scheduled for other arbitration programs by 68%.

- Criminal Division staff diverted 295 cases (29%) through the Pre-Indictment Disposition Program. Staff assisted in the installation of the Promis/Gavel computer system in the division's and the prosecutor's offices, and in linking the system to the Statewide County Corrections Computer System.
- In the Family Division, staff developed plans to improve custody mediation through use of an educational component and trained volunteer mediators for the program.
- In Probation, the Intensive Supervision Program was implemented for adult offenders as a means to reducing jail overcrowding. A customer service unit was established and Support Enforcement Services was reorganized to improve responsiveness to client inquiries. A $1.2 million renovation of post-adjudication units was completed. A personal computer-based bench warrant tracking system was developed and implemented.
- Mediation was employed in two additional Municipal Courts. The total number of Municipal cases settled through mediation increased 40% during the court year.
- Jury management, sound recording, court videotape services, and supervision of court aide staff were consolidated under a court support services office. Through the use of a new rescheduling policy, grand juror absenteeism dropped to 2% during 1989-90, down from 5.6% the previous year. A new Jury Services Guide was developed.
- Staff assisted in the development of plans for the restoration and renovation of the Old Historic Courthouse to house three judges by 1992.



BURLINGTON COUNTY

CJC Director Barbara Sopronyl briefs participants in the Child Custody Mediation Program.

Comprehensive Justice Center: An Update

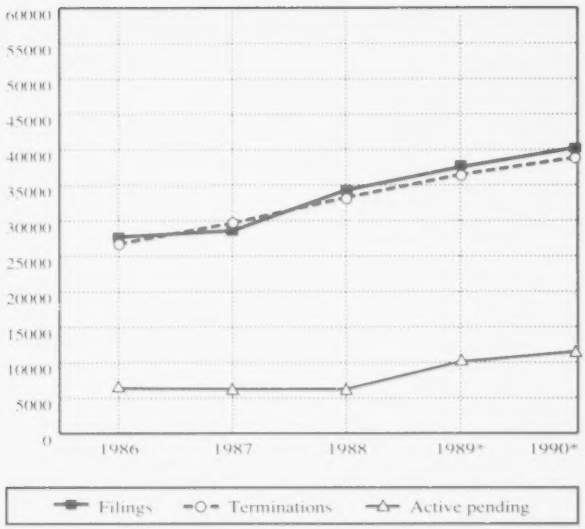
Established in 1986 as an experimental program, Burlington County's Comprehensive Justice Center (CJC) now serves as the clearinghouse for all complementary and alternative dispute resolution programs and evaluation for the Vicinage. During the 1989-90 court year, the Center staff acted as coordinators for a number of initiatives, including a commercial arbitration/mediation program, a revised child custody mediation program, and an expanded Municipal Court mediation program.

The Bar Association's Civil Practice and ADR Committees and Civil Case Management staff in the Vicinage worked together to develop the Commercial Case Arbitration and Mediation Program, the goals of which are to evaluate the effectiveness of a range of dispute resolution options, including mandatory, non-binding arbitration and mediation; and to provide accelerated disposition of 300 to 400 less complex commercial cases.

Book account and contract cases valued at less than $10,000 will be mediated by a single attorney. Other cases will be heard by two-attorney panels. Attorney mediators are required to have four years' legal practice experience and to complete mediation training.

To further enhance the County's Child Custody Mediation Program, a "parent educational program" has been developed as an introduction to the mediation process. The program is designed to resolve custody issues for divorcing parents through a non-adversarial dispute resolution option.

Trained groups of volunteer mediators participate in the Municipal Court Mediation Program, available at 15 court sites throughout the county, to mediate and resolve certain types of neighborhood disputes. Two on-site programs, in Burlington and Willingboro Townships, were developed during the 1989-90 court year.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	1,124	905	782	482	388
Civil	5,243	4,598	5,749	1,902	1,668
General Equity	461	537	263	489	570
Special Civil	17,794	17,663	2,074	49,768	49,402
Family	15,226	14,787	2,498	5,506	5,347
Dissolution	3,095	3,099	899	-	-
Non-Dissolution	5,371	5,247	330	-	-
Delinquency	4,888	4,567	802	-	-
Domestic Violence	1,269	1,274	36	-	-
Other Family	603	600	431	-	-
Miscellaneous	358	344	108	2,014	1,935
Total	40,206	38,834	11,474	4,309	4,162

VICINAGE 4

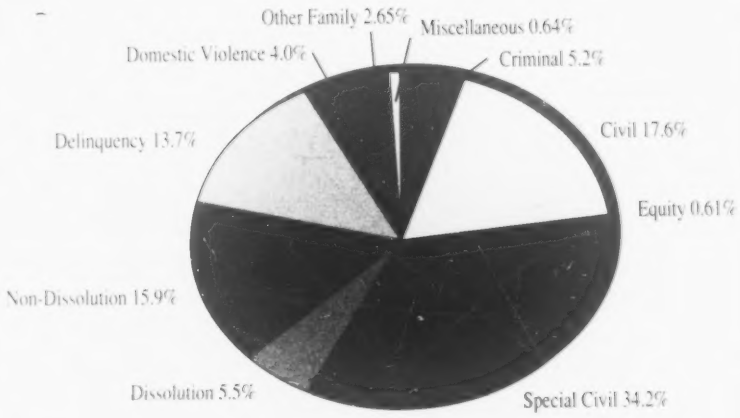
CAMDEN COUNTY

A. Donald Bigley
Assignment Judge

Dollie E. Chambers
Trial Court Administrator

The Differentiated Case Management programs in the Civil and Criminal Divisions continue with Federal and State grant assistance and have become accepted practice for case processing. Civil Division DCM has been augmented with the addition of special subtracks to the standard and expedited tracks. DCM has been applied to dissolution cases in the Family Division.

- The implementation of the Family Division's Intensive In-Home Supervision Program alleviated overcrowding in the detention center, reduced recidivism, and saved the county $600,000 that would have been spent on secure detention. During the first six months of the program, 140 juveniles were supervised in a pre-disposition status.
- A crisis intervention outreach program, "Creating Alliances Supporting Adolescents (CASA)," was begun to provide intensive in-home services to Hispanic youth at risk of court involvement. A therapist and two life skills workers provide in-home services to families in need. The program has been effective in reducing truancy and drug dependency in families which have received services.
- Probation officers and staff continued operation of the Probation Residential Educational Program (PREP). PREP, a six-month program for 20 males, ages 13 through 15 who are placed on probation in lieu of incarceration on the condition they attend the program, emphasizes schooling, guided group interaction, participation in a wilderness component, and close supervision by probation officers. The probation officers work closely with the youths, their parents, and school officials to facilitate reintegration after release.
- The In-House Arrest Program within the Probation Department monitors offenders who otherwise would be incarcerated in the county correctional facility. Through an electronic monitoring device/computer link, each offender's departure from home, to work, to school, or to treatment, and return is recorded. During the court year, 21 offenders were supervised through the program; four were returned to jail for violation of the conditions of release. Most participants were sentenced to mandatory jail terms by Municipal Courts, and otherwise would not have served those sentences due to overcrowding in the county correctional facility.



CAMDEN COUNTY

Home for Displaced Children

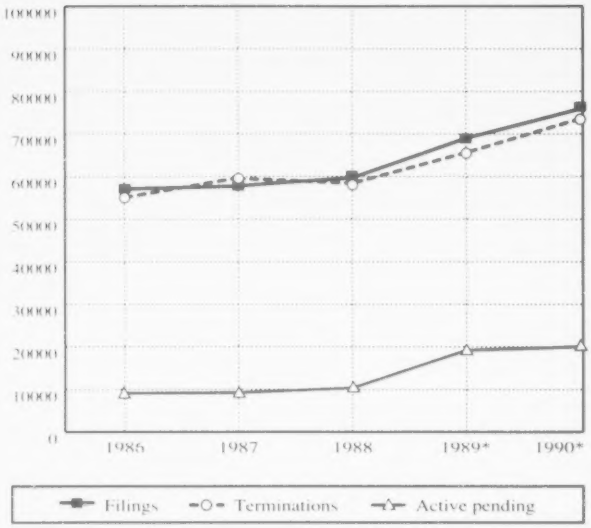
A joint effort among the Camden Vicinage Family Division, the County Youth Services Commission, and the County Board of Freeholders has resulted in the development of the Camden County Home for Displaced Children, a multi-service facility for at-risk and troubled youth.

The home will be a 20-bed shelter for boys and girls ranging in age from 11 to 18. Runaways, abandoned or homeless youth, and those who are victims of abuse or neglect may be placed in the home for up to 28 days through the Family Division's juvenile-family crisis intervention unit. The home, a dormitory-like facility, will be located on the county hospital complex, also the site of the county detention center, and will include recreational areas, laundries, classrooms, dining areas, and living quarters.

During their stay, the youth will be supervised via an intensive case management program that will match them with necessary services, offered by the home and other affiliated agencies. They will receive food and clothing and medical care; and will participate in individual, group, and family counselling, as well as in educational and recreational programs. Additionally, crisis intervention and prevention and truancy and high school drop-out prevention programs will be available, along with related services.

The initial proposal for the home was developed by personnel from the County Youth Services Commission and the Family Division and presented to the Camden County Board of Chosen Freeholders for approval. An advisory committee comprised of representatives of County government, the State Division of Youth and Family Services, the Commission, and the court identified the essential services and criteria essential for the home and submitted its findings to the Freeholders.

All funding for the home, which is expected to be ready for occupancy in late 1992 or early 1993, is coming from the County. The committee has identified several sources of reimbursement to the County to offset the cost of the operation of the home.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	3,985	3,448	1,198	523	452
Civil	13,314	12,911	13,725	1,613	1,564
General Equity	464	457	168	497	489
Special Civil	25,948	25,397	1,945	37,750	36,948
Family	31,671	32,176	2,791	5,389	5,475
Dissolution	4,161	4,176	1,026	-	-
Non-Dissolution	12,042	12,073	506	-	-
Delinquency	10,414	10,863	260	-	-
Domestic Violence	3,046	3,047	47	-	-
Other Family	2,008	2,017	952	-	-
Miscellaneous	473	481	192	809	823
Total	75,855	74,870	20,019	3,166	3,125

VICINAGE 5

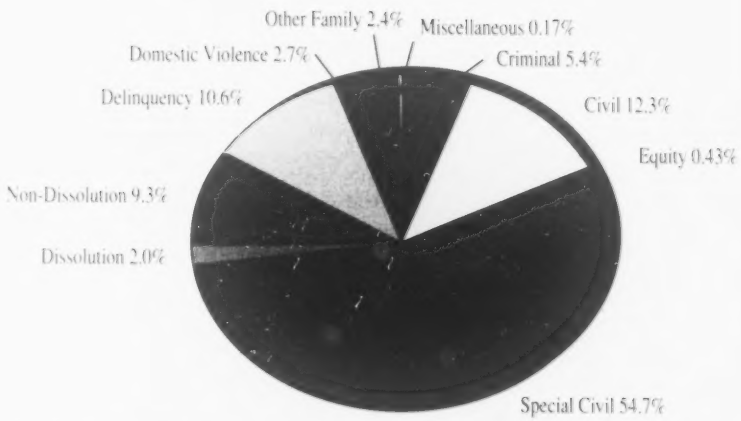
ESSEX COUNTY

Burrell Ives Humphreys
Assignment Judge

John A. Clarke, Jr.
Trial Court Administrator

A comprehensive Criminal Justice Reorganization Plan, established through cooperation with the offices of the Attorney General, Prosecutor, Public Defender; Mayors; and the Sheriff, was adopted in late spring. Implementation of the plan resulted in record increases in productivity and the establishment of two remand courts by the end of the court year.

- In the Civil Division, a pilot "mandatory, non-binding" Personal Injury Arbitration Program was implemented, and the Automobile Negligence Program was continued. These programs accounted for one-third of the Vicinage's Civil case dispositions. A comprehensive review of Civil case processing was completed.
- The Probation Division's House Arrest and Early Release programs continued their success in relieving jail overcrowding. Through the court year, the House Arrest program saved more than 5,000 jail days and $350,000 in incarceration costs.
- The General Equity Division, in concert with the Equity Jurisprudence Committee of the State Bar Association, now has an early settlement program. Thirty-four Chancery practitioners have volunteered to mediate cases. A special seminar was held for hospital representatives and attorneys to discuss hearings which require immediate court attention. As a result, two attorneys experienced in handling special emergent medical cases are on call, via rotation, each week to respond to the court in such matters.
- Family Division staff, assisted by faculty from Rutgers' Psychology Department, implemented mediation for child custody and visitation/access disputes. A multi-governmental agency task force studied overcrowding in the county juvenile detention facility, and developed a plan encompassing a comprehensive detention screening manual, a pre-admission judicial review of detainees, and suggestions for the expansion of alternatives to secure detention.



- A 14-phase renovation project was developed for the new courts building. An architectural/engineering firm was engaged to complete an environmental needs survey of the complex.
- A special committee of business, civic, and Bar leaders was formed to advise the Assignment Judge and court leaders on a variety of court issues, to examine court operations, and to recommend initiatives for the overall improvement of efficiency, effectiveness, and response to citizens' needs.

ESSEX COUNTY

Project CARE

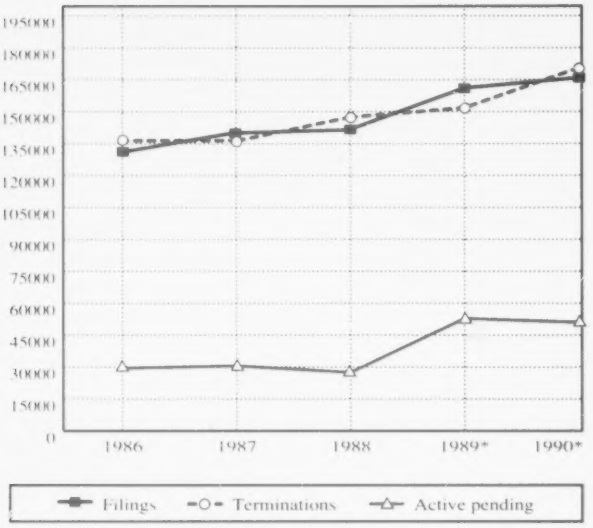
Citizens from several Essex County communities and probation officials are continuing to work together for the good of juvenile probationers through a five-year-old program, Project CARE (Community Assistance in Rehabilitation Efforts).

CARE teams comprised of volunteers, including police officials, court staff, teachers, attorneys, social service workers, nurses, representatives of Boys' and Girls' Clubs and the YMCA/YWCA, and vocational rehabilitation workers, are active on the north and south sides of East Orange, in Irvington and in the north ward of Newark. The East Orange and Irvington teams also include students from the Seton Hall Law Clinic.

The teams are responsible for 10 juveniles, ranging in age from 11 to 18, who are assigned to the program for their term of probation. Teams meet weekly with individual juveniles (along with the juvenile's parents, if necessary) to review their progress in a variety of areas, such as attending or returning to school, seeking employment, or modifying certain behavior; and again once monthly with the group. Teams are empowered to impose sanctions on the juveniles if they do not show sufficient progress, but more importantly, are there to lend a hand in assisting the juvenile in making that progress.

"In the beginning, we attempted to draw to the program youth from two-parent homes, but we found that those who came from one-parent homes really were the kids who needed support and supervision," said Senior Probation Officer Rosalyn Williams, who oversees the East Orange and Irvington teams, and who meets with the 30 juveniles assigned to those teams once a week as well. "Now we get the kids, many from single-parent homes, who are motivated and just need a little attention, who don't have a role model at home, who don't have much of a prior record."

In addition to supervising the juveniles on a formal basis, the team members are involved with their assigned juveniles in informal situations as well. They'll get together for cultural and sporting events. Some volunteers provide tutoring for those juveniles who still are in school, while others assist with job searches. Others regularly travel with a group to New York for medical technician training. The Seton Hall students participate with the juveniles in simulated courtroom situations once a month.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	9,057	8,160	6,089	430	387
Civil	20,706	24,328	27,247	1,758	2,066
General Equity	734	828	630	331	373
Special Civil	92,372	92,521	9,054	22,705	22,742
Family	45,631	43,491	7,837	4,766	4,543
Dissolution	3,381	2,916	2,327	-	-
Non-Dissolution	15,735	15,464	614	-	-
Delinquency	17,955	16,505	2,270	-	-
Domestic Violence	4,592	4,606	104	-	-
Other Family	3,968	4,000	2,522	-	-
Miscellaneous	280	271	111	387	375
Total	168,780	169,599	50,968	3,415	3,431

VICINAGE 6

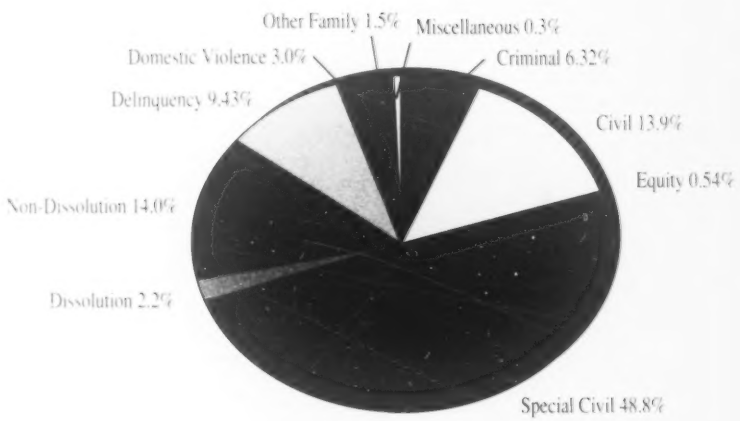
HUDSON COUNTY

Arthur N. D'Italia
Assignment Judge

Joseph F. Davis
Trial Court Administrator
(Acting)

Hudson County's Child Support Unit expanded its Hearing Officer Program to evening hours, making Hudson the first county to have a night court for the establishment and enforcement of child support orders.

- The Probation Division established a Fines/Restitution Collection Enforcement Unit with State Justice Institute grant monies. The goal of the project is to enhance collection efforts by using the summary collection proceeding contained in *N.J.S.A.* 2C:46-2.
- The Vicinage came closer to full automation of its information systems with the implementation of FACTS in the Family Division, ACMS in the Civil Division, a Promis/Gavel upgrade in the Criminal Division, and the expansion of ATS to two additional Municipal Courts.
- Complementary Dispute Resolutions programs continued. The Civil Division Arbitration Program, the Family Division's Domestic Violence Conferencing Program, a Small Claims Mediation Program, and arbitration of civil matters under $5000 in the Special Civil Part also produced significant savings in judicial time.
- The newly-established Training and Staff Development Unit instituted an orientation program for all new court employees, and made significant progress in developing in-house division orientation and in-service training in basic and specialized skills.
- The Municipal Court Services Unit continued to provide technical assistance to its courts, with particular emphasis on the improvement of financial recordkeeping and interpreting services.
- Criminal Division participated in the National Center for State Courts' "Improving Caseflow Management in Urban Trial Courts" project. Participation has resulted in the development of a plan designed to increase system productivity through the improvement of caseflow management practices.
- The members of the Court Interpreters' Unit distinguished themselves in the statewide interpreter certification test by placing first, second, and fourth in the rankings from the most recent examination.



HUDSON COUNTY

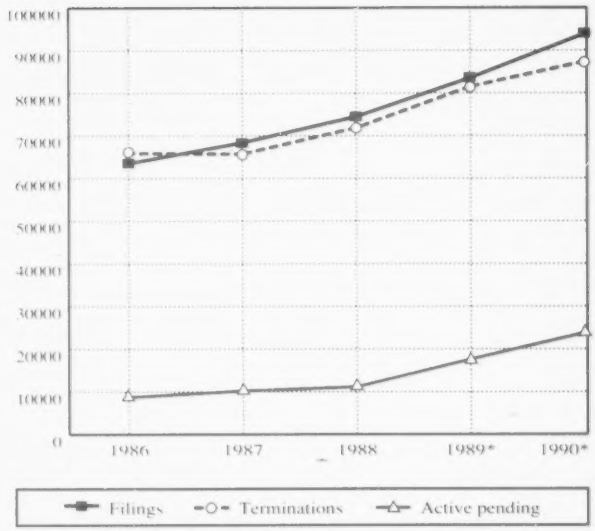
For Bob Hurley, Jersey City—the Greenwood neighborhood in particular—has always been his home. For the past 19 years, he's served as a Hudson County Senior Probation Officer. And last year, he was honored as the 1989 National Line Officer of the Year by the American Probation and Parole Association.

Hurley, who also received the 1989 New Jersey State Line Officer of the Year Award, was recognized for his participation in the department's speakers' bureau, through which he speaks to students in the Jersey City elementary schools; for his everyday work in adult supervision; and for the accomplishment of which he is most proud—overseeing the restoration of Mercer Park, near the Curries Woods Housing Project on the Jersey City-Bayonne border.

At the request of County Executive Robert Janiszewski and with the approval of court and probation officials, Hurley took a three-month leave from his probation duties and developed plans for the redevelopment of county parks. The Mercer Park project was the culmination of Hurley's effort. It included the installation of park benches and a picnic and barbecue area, the renovation of several baseball fields, and the construction of a basketball court—all through corporate sponsorship, at no cost to taxpayers.

Of all the park's new facilities, the basketball court is the one for which Hurley undoubtedly is most grateful. For most days at 4:30 p.m., Hurley pulls off his tie, throws on a sweatshirt, grabs a whistle, and transforms himself from senior probation officer to basketball coach. For the past 19 years, he's coached the St. Anthony's High School boys' team, which compiled a 32-0 record and was named the top high school team in the country in 1989. That year, Hurley's eldest son, Bobby, now a sophomore guard at Duke University, captained the team. This season, youngest son Danny—who's bound for Seton Hall on a basketball scholarship—is the leading scorer for St. Anthony's, ranked in the top five in the nation.

The Hurley family's avid interest and participation in basketball prompted the purchase of "an absolutely essential" satellite dish nearly five years ago. Mother Chris, 10-year-old sister Melissa, younger brother Danny, and Dad not only can catch Bobby's games, but "Coach Hurley" can flip the channels and watch the 50 or so St. Anthony's grads who are playing at the college level as well.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	5,929	4,405	2,556	547	406
Civil	13,042	10,238	11,561	1,849	1,451
General Equity	504	469	296	421	392
Special Civil	45,768	43,802	4,868	26,920	25,764
Family	28,334	28,121	4,354	4,176	4,144
Dissolution	2,101	2,088	1,068	-	-
Non-Dissolution	13,216	12,874	1,062	-	-
Delinquency	8,850	9,007	1,178	-	-
Domestic Violence	2,791	2,839	102	-	-
Other Family	1,376	1,313	944	-	-
Miscellaneous	249	269	103	1,183	1,278
Total	93,826	87,304	23,738	3,377	3,143

VICINAGE 7

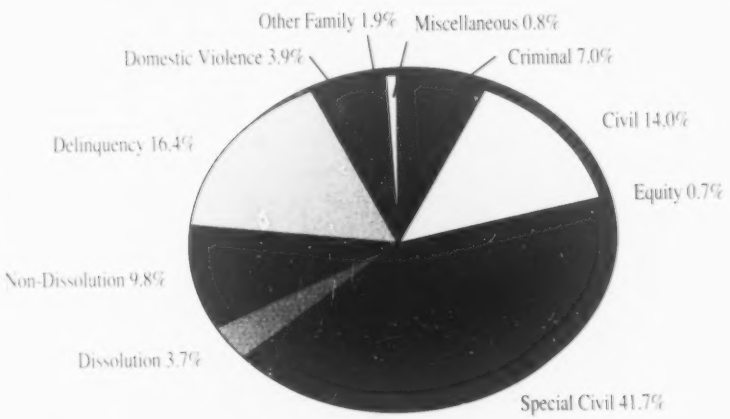
MERCER COUNTY

Samuel D. Lenox, Jr.
Assignment Judge

Robert J. Reed
Trial Court Administrator

The major accomplishment in the Mercer Vicinage during 1989-90 was the development of an automated system to track financial obligations of both adult and juvenile probationers owing fines, penalties, or restitution. The goal is to improve collections by instituting a regular billing procedure, and to reduce probation officers' caseloads by removing collection-only cases. Officers will supervise only those probationers who willfully refuse to pay their obligations.

- Some automation has been accomplished in the Family Division. Schedules for non-dissolution cases, all notices to parties, court lists, notices of hearings and court orders, and data needed for monthly statistical reports all are computer-generated. Additionally, the Family Division established a FAX network among the division, the detention center, and all county Municipal Courts to insure that all documents are distributed to all parties in processing domestic violence matters in a timely manner.
- In the Probation Division, two programs designed to reduce drug dependency and abuse continue. The Drug Education Work Shop is a program through which 20 adult offenders are referred to the Addiction Service Unit of the Community Guidance Center of Mercer County. These participants pay a $10 fee for individual and group counselling on a regular basis. Through In-House Group Counselling, adult probationers with substance abuse problems participate in two-and-a-half-hour group counselling sessions twice a month. Participants are required to pay $15 per session. More than 50 probationers have participated in the program since its inception.
- In an effort to address a declining plea rate by narrowing the time between pre-trial conference and trial, a change in Criminal calendar management was initiated in September 1989. Under the revised approach, criminal cases no longer are conferenced by the presiding judge before assignment to a trial judge. All arraignment and counsel notification proceedings are conducted by the presiding judge with assignment for trial following identification of counsel. Individual trial judges now conduct case conferences as well as hear motions, excepting PTI, on an assigned case.
- In the area of jury management, a special effort was made to improve conditions in the jury assembly room. The area was painted and newly-carpeted, and new furniture and artwork was purchased.



MERCER COUNTY

Child Placement Review Board

Members of a Child Placement Review Board (CPRB) are charged with making recommendations to Family Division Judges on specific plans for temporary placement of children outside their homes, and with monitoring how the children, their parents, and other State agencies are carrying out those plans. The board's intent is to work actively with representatives of the agencies on individual placements while pursuing as quickly as possible the children's eventual return to their homes, or an alternate, permanent placement.

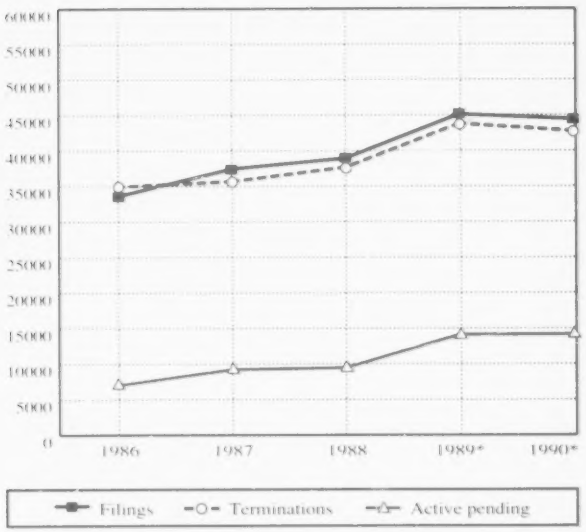
In 1978, Mercer County established its first CPRB. Since that time, increasing caseloads, together with a standard that a single board should review only a certain number of cases per year, have prompted the formation of three additional boards. The positions on the fourth board, along with other vacancies, were filled through a recent recruitment, spearheaded by CPRB coordinator Dorothy Adam.

Adam publicized Mercer's CPRB's through a press release sent to all area newspapers and radio stations, which resulted in several stories and a recruitment commercial detailing the boards' efforts. Thirty responses were received after the media campaign, and 12 candidates for board positions were selected.

"The recruitment allowed us to be a little more selective in choosing candidates, and helped us really zero in on those people who were interested in a long-term commitment to the role of the CRPB," Adam said. Board volunteers usually are appointed for one year, and usually another three years following the initial term.

"Recruitment is also important as a means to increase community awareness of a program as essential to the welfare of children," Adam said. "We look for people who can look at a case through the eyes of every individual child and make recommendations that truly are in the best interest of the child. Our board members are concerned with their credibility and providing a factual basis for the recommendations they've made. They're not satisfied if a case isn't moving."

Mercer's four boards, which count among their members an attorney, a teacher, a housewife, an accountant, a photographer, a nurse, a computer programmer, a librarian, and a psychiatrist, among others, meet once or twice a month to review cases. During the last year, board members conducted approximately 1,400 reviews for 670 cases.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	3,114	2,401	1,809	537	414
Civil	6,308	6,944	7,690	1,685	1,855
General Equity	311	293	102	557	525
Special Civil	18,534	18,372	1,158	23,042	22,841
Family	15,805	15,639	3,339	3,750	3,710
Dissolution	1,631	1,640	710	-	-
Non-Dissolution	4,365	4,476	500	-	-
Delinquency	7,262	7,029	1,328	-	-
Domestic Violence	1,716	1,737	61	-	-
Other Family	831	757	740	-	-
Miscellaneous	345	327	58	2,005	1,901
Total	44,417	43,976	14,156	2,905	2,876

VICINAGE 8

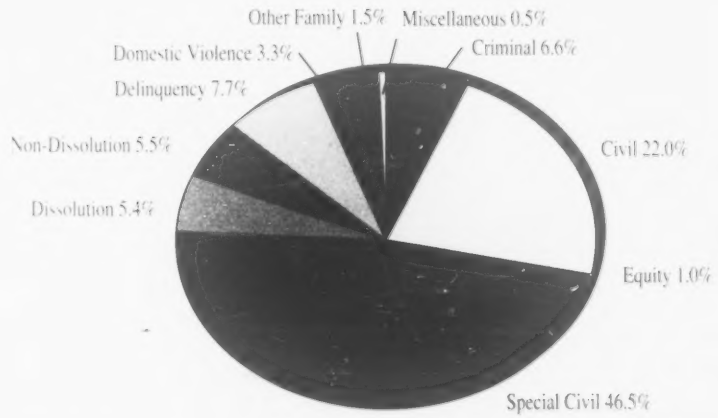
MIDDLESEX COUNTY

Herman L. Breitkopf
Assignment Judge

Gregory Edwards
Trial Court Administrator

The first session of labor relations training for Vicinage managers was conducted with the assistance of the AOC Employee Relations staff. Training sessions on suppression motions and the conditional discharge process were developed and conducted for Municipal Court personnel.

- Civil Division staff instituted a dinner meeting with representatives from major insurance carriers to foster cooperation and expeditious handling of cases among court personnel, plaintiff's counsel, and insurance representatives. The meeting has resulted in a significant increase in cases closed. Efforts will be made to continue these meetings in the future.
- The Criminal Division continued its development of an expedited drug case management program designed to reduce delays in the adjudication of drug cases through early case screening and classification, assignment of cases to appropriate tracks, and continuous monitoring of each case. A network of community resources, including college interns and officials, business leaders, volunteers, and local agency personnel, has been established to assist with defendant monitoring, job placement and referrals, and restitution program participation. [Please see accompanying story.]
- The Family Division established a fax network with the municipalities to meet the demands of domestic violence actions. The fax network expedited overall service and reduced the time necessary to calendar the returns of municipal temporary restraining orders. The network also provided up-to-date arrearage certifications for our-of-state support actions.
- One of the Probation Division's most notable accomplishments was the Discovery Project. An outgrowth of the Division's overall Volunteer Projects, the Discovery Project matches delinquent youth, students from Middlesex County College, and adult volunteers. The assigned volunteers provide a support network for the youth, meeting informally on a regular basis to discuss his or her progress, future plans, and related concerns.
- Free parking for jurors was provided through the efforts of the Assignment Judge and the Board of Freeholders. Periodic exit surveys indicated that a lack of parking space and the expense of parking was the most disagreeable aspect of jury service in the Vicinage.



MIDDLESEX COUNTY

Managing Drug Cases

A combination sentencing and treatment program operating in Middlesex County has been lauded as a national model for a differentiated case management approach to achieving speedy disposition of drug cases. The success of the Middlesex program may lead to statewide implementation of similar efforts.

Begun in January 1990 with funding from the Bureau of Justice Assistance, the Middlesex Expedited Drug Case Management Program is designed to determine the most effective and efficient route through the judicial process for defendants in drug cases, and to provide defendants with followup rehabilitation through a community-based treatment and job placement program. The Middlesex effort is one of only three pilot projects throughout the country. Similar programs are operating in Indianapolis and Philadelphia.

Criminal Division Judge George J. Nicola, who oversees the program, says its effectiveness may be attributed to a very basic principle: "We've been able to bypass the usual delays, the continuances, the red tape."

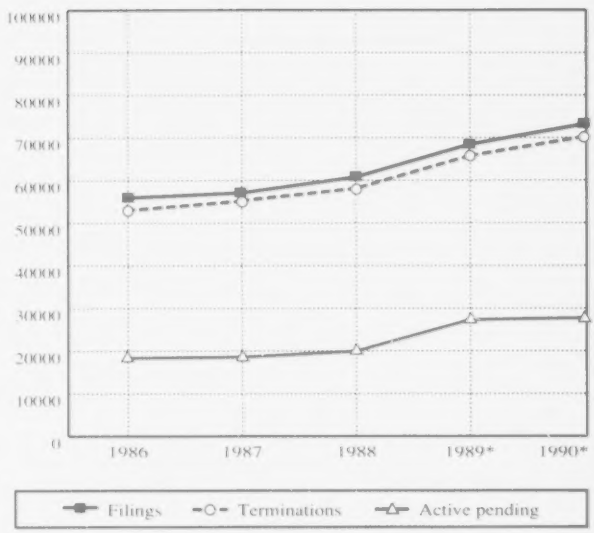
Of the cases disposed of through the program during the court year, nearly 91% of the minor cases were settled within 15 days. Of the serious criminal cases, more than 65% were disposed of within 42 days. The longest period of time elapsed for a case—from a defendant's arrest to the case's resolution—was 82 days.

Once a complaint is filed, case management staff interview the defendant to determine if public defender representation and pre-trial diversion are applicable. A probation officer is assigned to the defendant and is involved throughout disposition and sentencing. The prosecutor assigns the case to one of two tracks. Track A is for cases requiring mandatory incarceration, or those involving drug trafficking offenses and repeat offenders. Track B consists of cases involving possession or first-time offenders, and cases for which there are no mandatory sentences.

Within five days of the filing of a complaint, a conference is held, during which pleas and motions may be accepted. If the case qualifies for mandatory sentence, the requisite punishment is imposed. Track A cases not disposed of at the conference are assigned to the grand jury within 21 days or proceed on an accusation. Track B cases not disposed of by plea are set for trial on a third track, Track C.

During the 1989-90 court year, 347 cases was selected for the program, and 293 were assigned to tracks: 165 to Track A, 108 to Track B, and 20 to Track C. Of these 293 cases, 239 reached disposition.

To develop the treatment component, an advisory committee of community leaders, including clergy, educators, law enforcement officials, and businesspersons, was appointed to develop educational, job placement, restitution, and monitoring programs for both the pre-trial and post-adjudication periods. Volunteer committee members monitor defendants and probationers to insure compliance with the conditions of their sentence of release.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	4,845	3,710	2,801	628	481
Civil	16,124	16,151	17,841	1,250	1,252
General Equity	719	712	399	434	430
Special Civil	34,000	33,717	2,740	32,833	32,560
Family	17,061	17,054	3,805	3,325	3,323
Dissolution	3,939	4,015	1,748	-	-
Non-Dissolution	4,019	4,002	617	-	-
Delinquency	5,617	5,611	718	-	-
Domestic Violence	2,385	2,405	27	-	-
Other Family	1,101	1,021	695	-	-
Miscellaneous	376	390	95	1,591	1,651
Total	73,125	71,734	27,681	2,551	2,502

VICINAGE 9

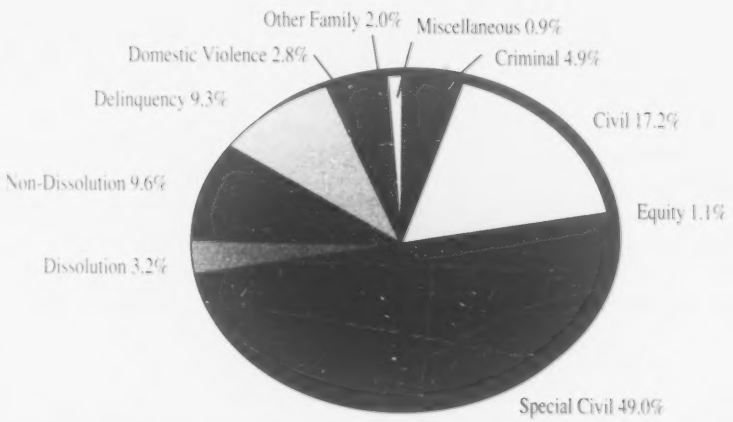
MONMOUTH COUNTY

Alvin Yale Milberg
Assignment Judge

William W. Carpenter
Trial Court Administrator

Monmouth's Family Division staff continued to work toward its goal of fully-integrated case management teams. To aid in cross-training of team members, a comprehensive training program was developed and specific case type instruction on child support and domestic violence was offered to probation officers and clerical staff. As well, the Second Annual Family Division Retreat was held for all judges and staff on the theme of "team building." A half-day conference was held for all court volunteers, judges, and staff. Among other topics, workshops included an overview of court programs, substance abuse issues, and interviewing and listening skills.

- Also in the Family Division, priority was given to management of termination of parental rights and child abuse cases with responsibility for calendar coordination assigned to the Child Placement Review Coordinator.
- Civil Division staff continued expansion of Complementary Dispute Resolution in an effort to help dispose of the growing inventory of active cases in both the Law Division and the Special Civil Part. Mediation of small claims matters and the arbitration of civil actions accounted for disposition of 60% of scheduled cases. Automobile Arbitration and Slip & Fall Arbitration programs also were expanded.
- In the Criminal Division, a Violation of Probation scheduling procedure was designed, resulting in a reduction of delays and adjournments and an increase in cases disposed. A pre-trial conference program also was developed to allow staff to better handle pool assignments from the Public Defender's Office.
- The goal of integrating jury management into the courts from the sheriff's office was achieved. Court and sheriff's office staff underwent training to improve the efficiency of all jury functions. As well, the court officers' operation was assumed in jury management. A new uniform was designed for all court officers. A weekly directory is published, and includes judges' schedules, locations of hearings, and general information.
- Vicinage personnel further developed its Affirmative Action Outreach program for college students. A mentorship program continues with minority students at Monmouth and Brookdale Colleges, affording students the opportunity to observe judicial employees at work and to further contact with their mentors in connection with future career questions. Initial steps were taken to establish internship programs with both colleges.



MONMOUTH COUNTY

Municipal Court Clerks' Retreat

An innovative and informational training program gives Monmouth County's Municipal Court Clerks a chance not only to learn more about the system in which they work, but to meet persons from other state agencies and offices whose work directly impacts upon the work of the Judiciary.

Begun in the fall of 1989, the Municipal Court Clerks' Retreat is the first program of its kind in Monmouth County, and quite possibly the first in New Jersey.

"The overall intent of the program is to provide a mechanism through which the Municipal Court Clerks could sit down with representatives of the major criminal justice agencies with which the courts do business," said Assistant Trial Court Administrator Joseph Barba. "We hoped to initiate an informal exchange of information, and to give the clerks and the other attendees a chance to meet the people who usually are on the other end of the telephone, to put the names with the faces."

Attending the 1989 retreat were 110 clerks and deputy clerks from the County's 53 Municipalities, along with repre-

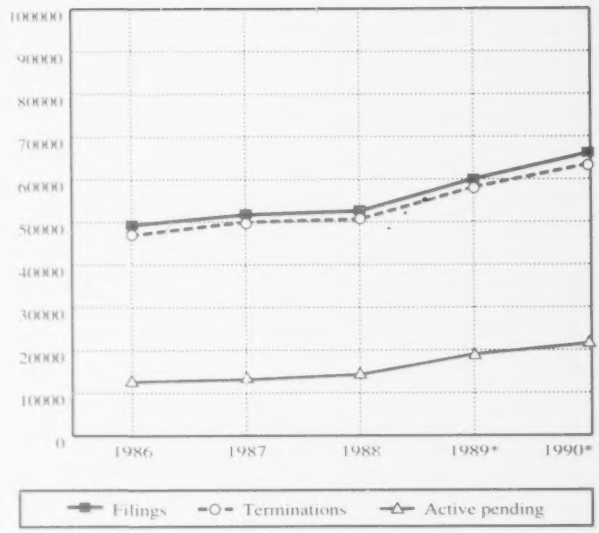
The program provides a mechanism through which the Municipal Court Clerks could sit down with representatives of the major criminal justice agencies with which the courts do business, and could meet the people who usually are on the other end of the telephone.

sentatives from approximately 10 different State agencies or divisions and related County offices. Among those represented were the Department of Motor Vehicles, the Division of Alcoholism, the Violent Crimes Compensation Board, the Monmouth County Prosecutor's Office, the Family Division of Superior Court, the Terrorist and Bomb Threat Unit of the State Police, and the Administrative Office of the Courts.

Those attending the retreat participated in a variety of informational seminars and participatory workshops offered throughout the day.

The retreat, at which participation is mandatory for court clerks, was expanded for 1990 to include representatives from additional State and County offices.

At the request of the Municipal Judges Association, all Municipal Court Judges also participated in the 1990 retreat. Based on suggestions from the judges, additional officials, such as municipal managers and municipal prosecutors are expected to be invited to the 1991 retreat.



* Please see footnote regarding counting of Civil cases on page 3-10.

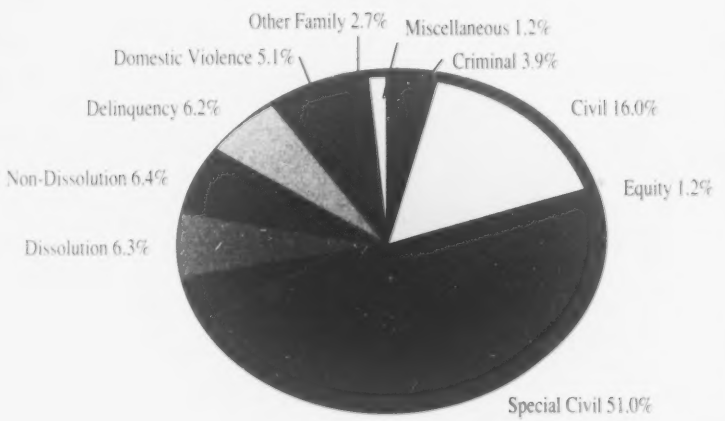
	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	3,241	2,883	1,756	585	520
Civil	11,367	9,579	12,932	1,581	1,333
General Equity	721	663	461	708	651
Special Civil	32,331	32,112	2,990	53,869	53,504
Family	17,768	17,586	3,190	3,418	3,383
Dissolution	2,101	2,190	1,273	-	-
Non-Dissolution	6,316	6,184	392	-	-
Delinquency	6,151	6,103	569	-	-
Domestic Violence	1,871	1,858	27	-	-
Other Family	1,329	1,251	929	-	-
Miscellaneous	577	584	139	1,755	1,776
Total	66,005	63,407	21,468	3,322	3,191

VICINAGE 10

MORRIS, SUSSEX COUNTIES

Reginald Stanton
Assignment Judge

Michael J. Arnold
Trial Court Administrator



The 1989-90 court year was one of structural change. Sussex County began to plan for the implementation of "team management" with the creation of a separate and distinct team for each court division, coordinated through a team leader. In Morris County, a detailed criminal management analysis was conducted, including a review and revision of many processes used in Criminal case management.

- The Vicinage hired a training coordinator and staff to formulate an employee orientation program and create operations manuals for all divisions of the Court. As well, the Vicinage established the position of Information Systems Coordinator, who is responsible for coordinating all automation needs within both counties and with the statewide systems.
- A job-sharing program was initiated by the Morris County Probation Department, allowing employees more flexibility in coordinating personal and professional priorities. In an effort to enhance enforcement procedures, the department began Project Force, which gives the courts greater leverage in the collection of fines, penalties, and court costs.
- In the Family Division, both Morris and Sussex Counties began Mediation Workshop Programs, which endeavor to address issues surrounding custody and other family-related issues.
- Sussex County benefitted from the implementation of the Automated Case Management System (ACMS) and direct filing for the Law Division, Chancery and Special Civil Part.
- The physical plants in both Morris and Sussex counties were greatly improved during the court year. In Morris County, an expanded Records and Administration Building was reopened in December 1989. The court opened four new courtrooms and greatly improved conference and staff space for the Civil Case Management Office, County Clerk Judicial Function employees, Probation Department, and Surrogate. Sussex County broke ground for a new Judicial Complex, which will greatly enhance that jurisdiction's operations.

MORRIS, SUSSEX COUNTIES

Custody Mediation Workshops

The Morris County Mediation Service enhanced its program during the 1989-90 court year by adding a new facet to its Family Division component. The new practice requires all parties involved in contested custody/mediation cases to attend educational workshops.

The county's full-time mediator, in conjunction with staff in the Family Division manager's office, reviews the new matrimonial filings to identify the contested cases. Custody/visitation fact sheets, along with a request that the informational sheets be completed and returned within 10 days, are sent to the attorneys for the parties. If the parties indicate that custody and visitation issues still are unresolved, they are scheduled for a workshop and at least one mediation session to determine if their case indeed is appropriate for mediation.

The workshop consists of a description of the court process in resolving custody and visitation issues; a description of the mediation process as an alternative; and a videotape of Dr. Judith Wallerstein, of the Center for Families in Transition, and Judge Donald King of the California Superior Court. Dr. Wallerstein has done extensive research on the emotional effects on parents and their children when the family unit is no longer intact due to separation and/or divorce.

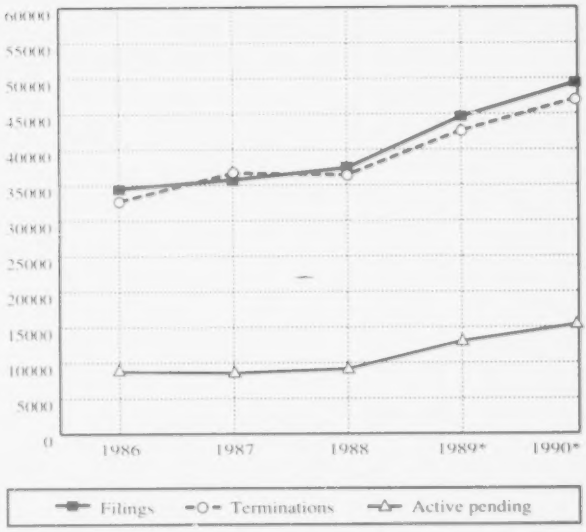
In addition to these presentations and the videotape, a child psychologist is present at the workshops to discuss with the parents issues related to their children's experiencing behavioral disorders as a result of the breakdown of the family unit.

The primary objective of the workshop and the subsequent mediation is to allow the parents to establish their own standards of fairness, to express to each other their own concerns about the present and the future, and to establish their own agreement. The theory is that the parties are more likely to abide by a resolution which they have formed as opposed to a decision which has been made by the court and imposed upon them.

Since the establishment of the workshop, 99 cases have been referred. Of these cases, 50 have resulted in resolution without subsequent mediation sessions; 34 were resolved through mediation sessions with a consent agreement designed by the parents.

The initial response to the workshop from members of the legal community and participating litigants has been favorable. Similar workshops now are being offered to litigants involved in non-dissolution matters. Many of the Morris County Family Bar Association attorneys attended an educational workshop and formally support this additional facet for resolving custody/visitation issues.

The Morris County Family and Conciliation Service provided by Superior Court was established in 1985. A full-time mediator is on staff to provide litigants with an alternative to the traditional adversarial process in resolving custody and visitation disputes, and a child psychologist is under contract to consult with the mediator on difficult matters.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	1,570 345	1,700 379	781 199	466 402	504 441
Civil	6,656 1,276	5,257 948	7,546 1,421	1,737 1,734	1,372 1,288
General Equity	439 154	440 157	186 64	422 42,948	423 43,785
Special Civil	19,825 5,197	19,624 4,730	1,810 894	30,426 26,925	30,118 24,505
Family	9,596 3,710	9,606 3,633	1,481 752	3,002 3,039	3,005 2,976
Dissolution	2,479 648	2,494 549	787 383	- -	- -
Non-Dissolution	2,014 1,177	1,974 1,194	118 62	- -	- -
Delinquency	2,196 896	2,231 947	237 110	- -	- -
Domestic Violence	2,001 530	1,986 531	26 9	- -	- -
Other Family	906 459	921 412	313 188	- -	- -
Miscellaneous	379 208	390 195	89 71	2,367 3,212	2,435 3,011
Total	38,465 10,890	37,017 10,042	11,893 3,401	3,140 3,547	3,022 3,271
LEGEND:		MORRIS	SUSSEX		

VICINAGE 11

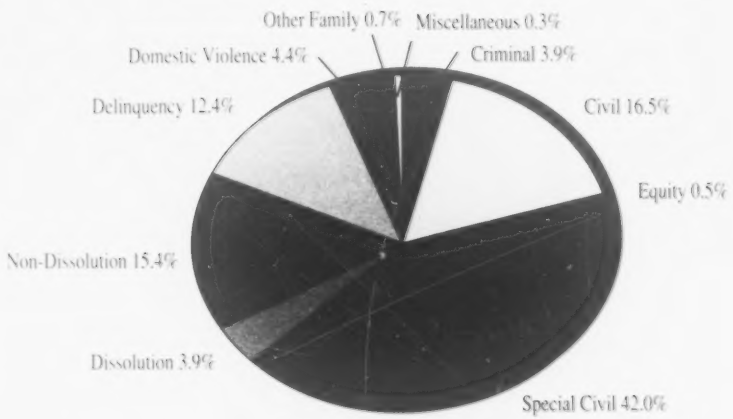
PASSAIC COUNTY

Nicholas G. Mandak
Assignment Judge

Richard M. Centanni
Trial Court Administrator

The 1989-90 court year was marked by the start of construction on a nine-story Administration/Court Building adjoining the Vicinage's three-building court complex and a 550-space parking garage. The new building will include new courtrooms, offices for Family Division staff, the prosecutor, and other county and court staff, a new jury assembly room, and computer space. The move into the new building, slated for two years, will free the current complex to house Probation Department Offices.

- The Criminal Division Case Management Office, along with the Grand Jury and Prosecutor's Offices, now has access to both the County Correction Information Systems, and the Criminal Justice Information System, necessary for production of pre-sentence and pre-trial reports. Computerized search warrant and sound recording indexes also are on-line.
- Family Division staff, including those in the Non-Dissolution and Juvenile Units, used FACTS, the automated case management system, to help establish a centralized calendaring system. A bilingual counselor was hired to assist with services to Hispanic families.
- In the Civil Division, staff implemented direct filing and began use of its automated case management system, which generates computerized calendars, dismissal motions, arbitration schedules, and other court documents.
- In the Special Civil Part, staff produced informational videos on Tenancy and Small Claims litigation.
- The Probation Division's summer camp for indigent inner-city children hosted 65 children per day. The number of attendees increased 30% over last summer's session.
- Probation and Municipal Court staff instituted a system through which consistent case identification numbers assigned in the Probation Division will be incorporated with the Municipal docket numbers. The goal is to maintain accurate and immediate identification of defendants and their cases on documents passing between departments.



PASSAIC COUNTY

Juvenile Conference Committees

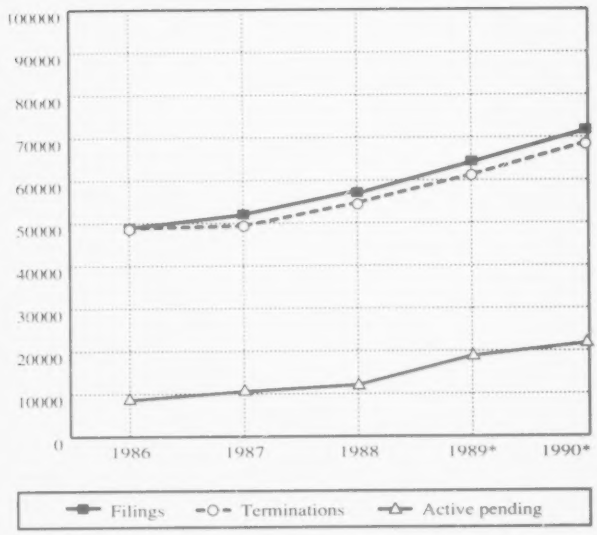
More than 75 volunteers from throughout Passaic County are involved with the work of the courts through their participation on a Juvenile Conference Committee (JCC), designed to help rehabilitate rather than punish first-time juvenile offenders charged with minor crimes.

"The purpose of a Juvenile Conference Committee is to review and discuss a particular complaint and the circumstances leading to the juvenile's action, and to make a recommendation that is in the best interest of the juvenile and the juvenile's family," said Josephine DiFranco, who serves as Passaic County's JCC coordinator. "What is very important is that the members of a JCC establish a rapport with the juvenile and his or her family. If the family has never been exposed to the courts, they may be concerned and uncomfortable. But JCC members in all instances must demonstrate understanding while at the same time being firm and consistent. The members also let the juvenile know that although the case has been diverted from the courts, the contract with the JCC is a serious one."

All first-time juvenile offenders charged with minor crimes, such as shoplifting, criminal mischief, trespassing, or simple assault, are eligible for referral to a JCC. Complaints are screened by a Family Court intake officer and okayed by the prosecutor before being sent to a judge for a diversion order. Nearly 500 complaints were diverted to JCCs during the court year.

Eleven different JCCs, including three in the city of Paterson and five which cover cities and towns on a regional basis, meet monthly or when complaints are referred. The members review cases with the juvenile offenders and their parents or guardians, and if they wish to attend, the victims of the crime as well. At those meetings, a contract is established and explained to the juvenile. The terms of the contract may include counselling, community service, restitution, a job search, researching and writing an essay, and a variety of other options. JCCs, however, may not assign the juvenile to probation, incarceration, or placement outside the home.

Depending on the case, a followup conference is held anywhere from two to six months after the initial contract is established, usually at which time the juvenile must have met the terms of the contract. If the terms have not been met, the juvenile may be given more time to complete them, or the case may be referred back to the intake officer or to the court.

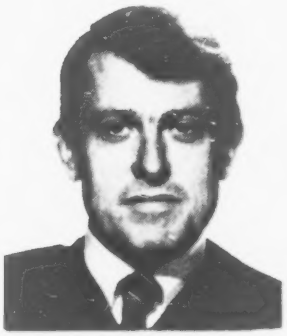


* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	2,851	2,998	1,040	328	345
Civil	11,788	9,401	13,338	2,419	1,929
General Equity	384	402	263	331	346
Special Civil	29,917	29,669	3,020	28,620	28,382
Family	26,412	25,926	3,938	5,976	5,866
Dissolution	2,819	2,617	1,335	-	-
Non-Dissolution	11,045	11,146	1,121	-	-
Delinquency	8,884	8,591	902	-	-
Domestic Violence	3,183	3,163	61	-	-
Other Family	481	409	519	-	-
Miscellaneous	228	230	85	873	880
Total	71,580	68,626	21,684	3,500	3,356

VICINAGE 12

UNION COUNTY

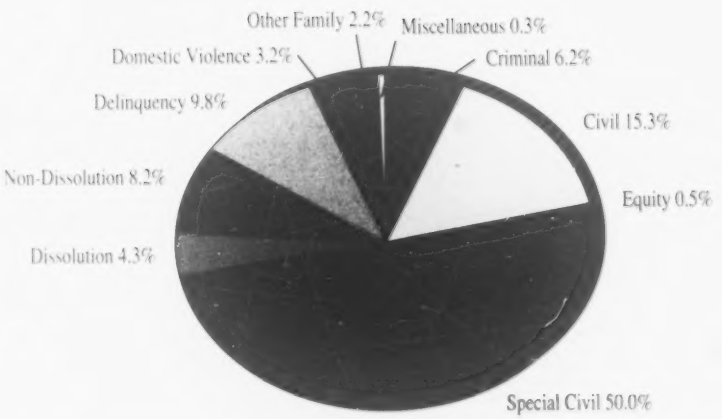


Edward W. Beglin, Jr.
Assignment Judge

John N. Mirl, Esq.
Trial Court Administrator

Union County's Family Division was chosen as a national pilot site for the operational testing of a Uniform Reciprocal Enforcement Support Act complaint software package.

- Family Division staff established a visitation and custody mediation program during the court year; cooperated with AOC Information Systems Division personnel to achieve full implementation of the Automated Child Support Enforcement System (ACSES); developed a detention monitoring duty procedure manual to provide guidance to caseworkers; formed an inter-departmental working group to develop and implement procedures in non-dissolution matters; and continued to provide assistance to the County Youth Services Commission.
- In the Criminal Division, a "Drug Court" was established to dispose of cases resulting from drug raids and to achieve early disposition of cases stemming from "school zone" violations.
- In the Civil Division, all manual recordkeeping and statistical operations have been eliminated due to the full implementation of the computerized Automated Case Management System (ACMS). The Personal Injury Arbitration program has been expanded, and arbitration was initiated in the Special Civil Part.
- Union's Probation Division completed its first full year of the Local Intensive Supervision (UCLIPS) Program and the House Arrest Program, for offenders sentenced through Municipal Court and through Superior Court for first-time probation violations. Seventeen probationers have participated in the ISP and 63 in House Arrest.



UNION COUNTY

Dealing with Domestic Violence

Staff from the Family Division, the County Mental Health Association, and the Elizabeth YWCA and YMCA are cooperating in establishing and maintaining domestic violence support groups for women and "batterers'" therapy groups for men throughout Union County.

"Choices," coordinated by Claire Cozzi, a counsellor for the Mental Health Association (MHA), is a voluntary program for women who are victims of domestic violence. Two other weekly support groups—one in Elizabeth and another in Plainfield—are in their infancy. Organized by YWCA outreach coordinator Ellen Kazanoff, "Project Protect" is an offshoot of previous programs for women who attend both voluntarily and via court order.

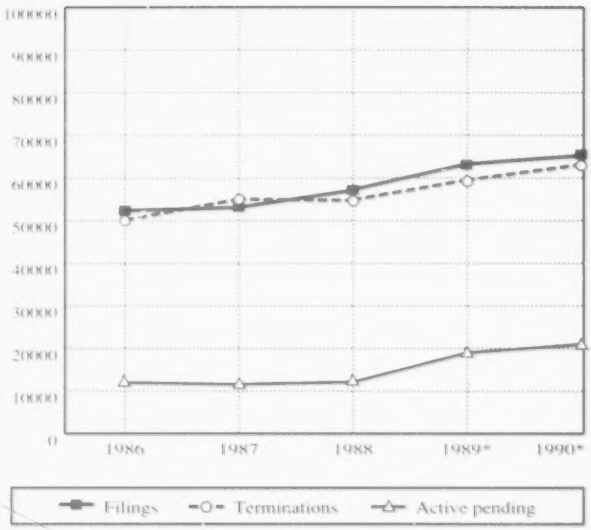
A good percentage of women go back to their men and the abusive situation at least once, and many men continue to be abusive. We hope that through the groups both women and men can learn to deal with their situations and feelings so that they can take charge of their lives.

All three groups give women the chance to initiate discussions on many issues, including patterns of abuse, the impact on children, law-related concerns, among others.

The key difference between the women's and men's groups is that while the women attend basically to receive encouragement and support, the men participate in a therapy session. Both the MHA and the YMCA offer weekly batterers' groups, run by Ed Murphy and Anthony Stephens, respectively. Most of the participants attend because of a court order, and pay for the sessions.

"The greatest problem men who are batterers have is denial," says Murphy. "And in a group session, that type of problem gets dealt with more quickly than if a man were in counselling on an individual basis. The men in the group are quick to point out the others who are going through denial, are being manipulative, or are having trouble handling feelings of jealousy or rage."

Cozzi echoes her peers' emphasis of the importance of both the support and therapy components of these groups. "A good percentage of women go back to their men and the abusive situation at least once for economic, family, religious, or cultural reasons; and many men continue to be abusive. What we hope is that through the groups both women and men can learn to deal with their individual situations and feelings so that they can resume a normal life and take charge of all aspects of it."



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	4,025	3,552	1,524	560	494
Civil	9,976	8,914	11,503	1,807	1,614
General Equity	341	417	178	275	336
Special Civil	32,656	31,783	5,150	44,278	43,094
Family	18,091	18,243	2,464	2,969	2,993
Dissolution	2,821	2,806	805	-	-
Non-Dissolution	5,332	5,420	178	-	-
Delinquency	6,392	6,395	866	-	-
Domestic Violence	2,094	2,115	38	-	-
Other Family	1,452	1,507	577	-	-
Miscellaneous	178	179	96	-	-
Total	65,267	63,088	20,915	3,109	3,006

VICINAGE 13

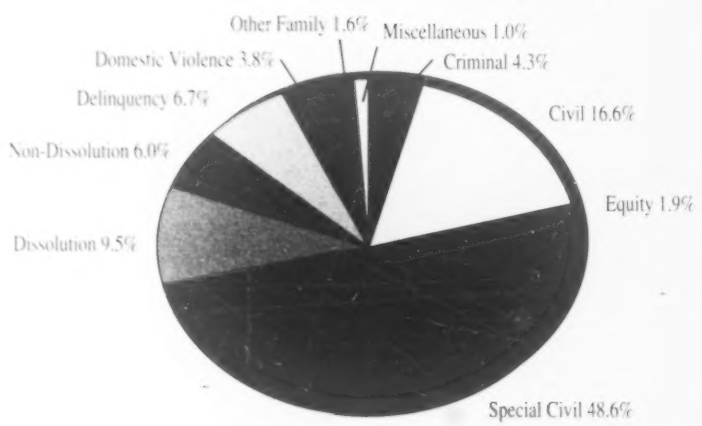
SOMERSET, HUNTERDON, WARREN

Wilfred P. Diana
Assignment Judge

Eugene L. Farkas
Trial Court Administrator

Somerset Superior Court officials, the County Freeholders, and the County Prosecutor introduced a program to help indigent criminal defendants pay for court-ordered substance abuse evaluations. The program is aimed at those whose probation requires they undergo drug or alcohol monitoring or treatment, and was prompted by the large number of defendants who violate their probation simply because they do not have the money for treatment. A sum of $135,000—to be divided equally between the Freeholders and the Prosecutor's office—has been allocated for the program. Evaluations range from $3 at an outpatient clinic to $395 at an inpatient facility.

- The Somerset Probation Division initiated a Classification of Offenders Program designed to enhance supervision services through an equitable allocation of resources to individual adult and juvenile probationers. Under the program, offenders answer a set of questions, and based upon their answers and other circumstances, are assigned to one of three different categories indicating the degree of supervision required.
- The Division implemented a default court to assist with the collection of fines, penalties, restitution, and other fees assessed by Superior and Municipal Courts. Probationers who are at least four weeks in arrears with respect to court-ordered payments are directed to settle their accounts. Non-compliance may result in a hearing. [Please see accompanying story.]
- Additionally, the Division developed a literacy program to identify probationers with low reading and writing skills and to provide an opportunity for those skills to be improved. Other county agencies cooperate with the department in this program.
- As result of a special committee's recommendations, several improvements to court facilities in Warren County are under way, including the construction of a fourth courtroom.
- In Hunterdon County, a consultant on court facilities has been hired and a presentation has been made to the Freeholders. Approval of funding for the construction of a new court complex is pending.



SOMERSET, HUNTERDON, WARREN COUNTIES

Default Court

When routine efforts to have probationers comply with financial obligations imposed by the court fail, default court proceedings are initiated. Probationers are considered for default court when their failure to pay is the only "violation" of their probation. If failure to pay and another violation exist, then the probationer will be brought back before a judge on a violation of probation charge.

Probationers who have failed to pay an amount equal to four full payments on their account are considered for default court. At the end of each month, supervising probation officers prepare a list of cases in which probationers have accrued the four-payment arrearage. Cases in which mitigating circumstances already are known are excluded. Lists are compiled for each possible type of payment, such as restitutions, fines, DEDR penalties, etc.

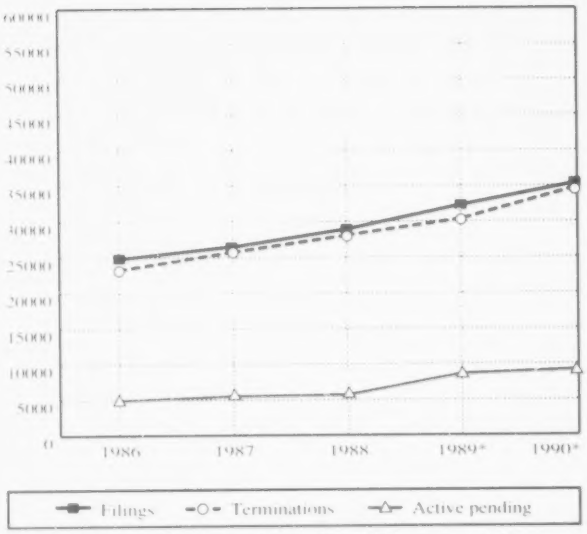
Notices indicating the account is in default are mailed to the appropriate probationers, who are advised that the account must be brought up to date or court action will be initiated. If payment is not received or the probationer does not contact the Probation Department with an explanation for the arrearage within 10 days of the date of the notice, the payor is listed for Default Court. To avoid court, all existing arrea ages must be paid in full.

After the 10-day deadline, a court calendar is generated, and probationers listed for default court are served with a Notice of Motion, including their scheduled court appearance, by their probation officers on the next scheduled reporting day. If that is not possible, the notice will be given on the next field day, or sent by both certified and regular mail. A "proof of service" is filed with the probation department. If the probationer does not appear for the court hearing, the proof of service serves as evidence that proper procedures were followed. If the presiding judge agrees, a warrant is issued for the probationer's arrest.

Prior to a court hearing, or as a condition of disposition, a probationer may agree to a voluntary wage assignment, in which a specific amount of money is deducted from the probationer's earnings each week and applied against the account.

During the last year, 546 probationers were listed for default court. Of those probationers, 435 paid their accounts in full; 92 were returned to court for disposition of their cases; and the remainder either entered into voluntary wage assignments or were removed from the default list. The greatest number of probationers--378--responded after they received a Notice of Motion and were scheduled for an actual court proceeding.,

Nearly $77,000 was collected through default proceedings. Of that total, nearly $66,000 was for restitution, DEDR penalties, and State fines.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	**800** *376* 867	**867** *426* 740	**195** *113* 491	**344** *473* 681	**373** *536* 581
Civil	**3,501** *1,030* 932	**3,093** *1,126* 847	**2,815** *1,068* 808	**1,531** *889* 1,170	**1,352** *972* 1,063
General Equity	**286** *240* 91	**278** *237* 86	**80** *46* 38	**378** *9,996* 11,709	**368** *9,871* 11,066
Special Civil	**10,225** *3,065* 3,107	**9,969** *3,024* 3,225	**1,092** *612* 171	**43,175** *22,465* 16,634	**42,094** *22,164* 17,266
Family	**5,631** *1,905* 2,836	**5,502** *1,965* 2,820	**740** *351* 444	**4,297** *1,965* 2,943	**4,198** *2,026* 2,926
Dissolution	**1,972** *622* 534	**1,885** *665* 535	**472** *203* 188	- - -	- - -
Non-Dissolution	**1,160** *473* 967	**1,135** *468* 948	**55** *30* 71	- - -	- - -
Delinquency	**1,377** *451* 739	**1,383** *475* 741	**65** *35* 75	- - -	- - -
Domestic Violence	**772** *261* 443	**778** *261* 443	**3** *5* 6	- - -	- - -
Other Family	**350** *98* 153	**321** *96* 153	**145** *78* 104	- - -	- - -
Miscellaneous	**163** *130* 126	**163** *146* 138	**44** *21* 33	**1,886** *1,314* 1,145	**1,886** *1,475* 1,254
Total	**20,606** *6,746* 7,959	**19,872** *6,924* 7,856	**4,966** *2,211* 1,985	**2,940** *2,115* 2,383	**2,835** *2,171* 2,352

LEGEND: **SOMERSET** *HUNTERDON* WARREN

VICINAGE 14

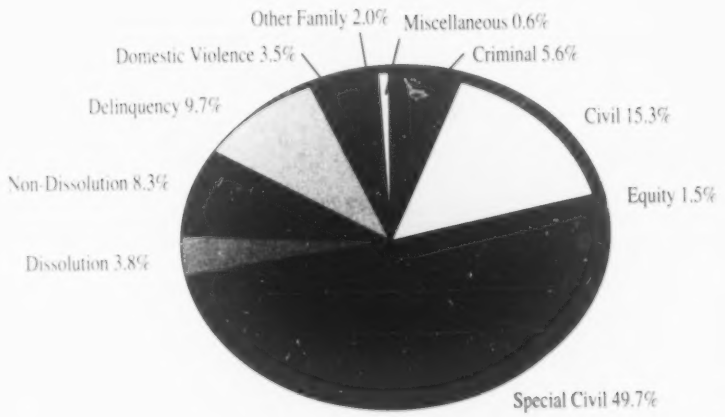
OCEAN COUNTY

Eugene D. Serpentelli
Assignment Judge

Frank W. Kirkleski, Jr.
Trial Court Administrator

In the Civil Division, a "Special Arbitration" program has been implemented to dispose of complex personal injury and auto negligence cases. Attorneys and their clients report to calendar call and select two other attorneys present at the call to act as arbitrators. The proceeding is bound by mandatory arbitration rules, but the arbitrators waive their fees. The Bar has been supportive of the effort, resulting in the disposition of many difficult cases which normally would be scheduled for trial.

- As part of its Dispute Resolution Program, the Family Division implemented the Rapid Turnaround Assessment Program, an evaluation procedure used in matrimonial litigation where one or both parties express concern over the issues of child custody and/or visitation. The program is conducted with the assistance of licensed clinical psychologists who conduct standardized testing of the parties involved in the visitation/custody litigation. [Please see accompanying story.]
- The Criminal Division had its grant renewed for the Differentiated Case Management program, which resulted in a record number of early dispositions for the Vicinage. A new grant was applied to the hiring of additional case processing personnel for the Expeditious Processing of Narcotic Cases Program. The additional staff helped reduce the suppression motion backlog and kept pre-trial and pre-sentence investigations current.
- The Probation Division achieved a record year in collections for court-mandated fines, restitutions, and penalties, topping the $1 million mark for the first time and achieving a 55% increase over the previous year's collections. Additionally, Probation supervised 5,357 juvenile and adult offenders on probation and performing community service, an increase of 30% over '88-'89. The most dramatic increase was in Pre-Trial Intervention (453 to 541 cases) and in community service due to violations of the motor vehicle code (643 to 827).



OCEAN COUNTY

Rapid Turnaround Assessment Program

As part of the Ocean County Family Division's Dispute Resolution effort, the Rapid Turnaround Assessment Program (RTAP) assists judges in determining custody and visitation rights in matrimonial litigation in which one or both parties express concerns about the other's character and ability in regard to their relationship with their children.

Procedurally, a judge determines if RTAP is required in a case, and advises the parents of the scope and nature of the program. One or both parents are referred to the Dispute Resolution Unit, and are required to complete a pre-screening questionnaire, which in turn is forwarded to a participating psychologist. Within three weeks, the psychologist will meet with the parent or parents and conduct a standardized screening exam and an interview to determine mental status and parenting style. The psychologist then files with the court a report indicating whether or not there is a potential risk to the children in terms of general parenting style and interaction.

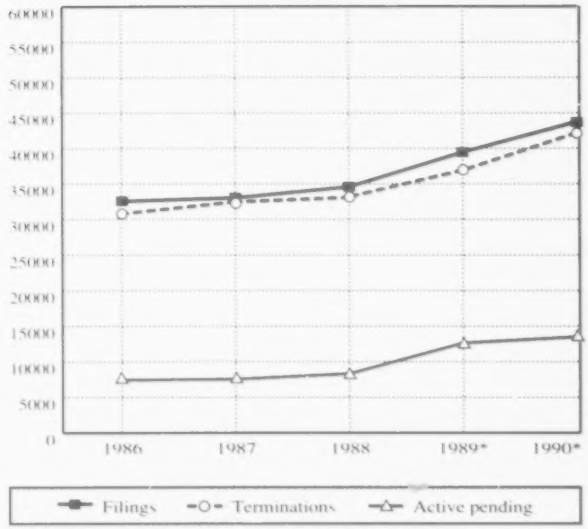
"Originally, the program was conceived as way to quickly show a judge where potential problems might be," said Tim Bowditch, RTAP director. "The exam and interview process is not extensive or definitive, and shouldn't even be viewed as a scaled-down psychological profile. If the psychologist gets a 'red flag' on a subject such as child abuse, the potential for a problem in that area will be reported to the judge."

The standardized exam and interview process is not extensive or definitive, and should not be viewed as a scaled-down psychological profile. It is used to point out "red flags" on a subject such as child abuse.

Usually RTAP is used in recently-begun litigation, but can be used as well as a basis for negotiation in problem cases where personality perceptions and anxiety concerning parental capabilities impede settlement. The litigants bear all costs for the psychologist's services, unless the court orders otherwise.

In conjunction with RTAP, other programs are being considered. For example, in matrimonial settlement negotiations following a determination of no significant problem signs trough RTAP screenings, attendance at a parenting workshop may be an option.

"Since this is a new program, it's been slow in getting started. We're still in the process of educating judges and attorneys as to how the program can be used and to what it is supposed to do," Bowditch said. "We're just now beginning to get up to the level of efficiency that is necessary for the program to find its place within the court system, and to succeed."



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	2,452	1,999	1,162	792	645
Civil	6,695	6,121	7,207	1,153	1,054
General Equity	663	764	292	703	810
Special Civil	21,741	21,896	2,249	29,239	29,448
Family	11,905	11,719	2,437	3,156	3,107
Dissolution	1,650	1,658	768	-	-
Non-Dissolution	3,613	3,671	309	-	-
Delinquency	4,242	3,989	884	-	-
Domestic Violence	1,539	1,555	11	-	-
Other Family	861	846	465	-	-
Miscellaneous	276	285	114	811	838
Total	43,732	42,784	13,461	2,973	2,908

VICINAGE 15

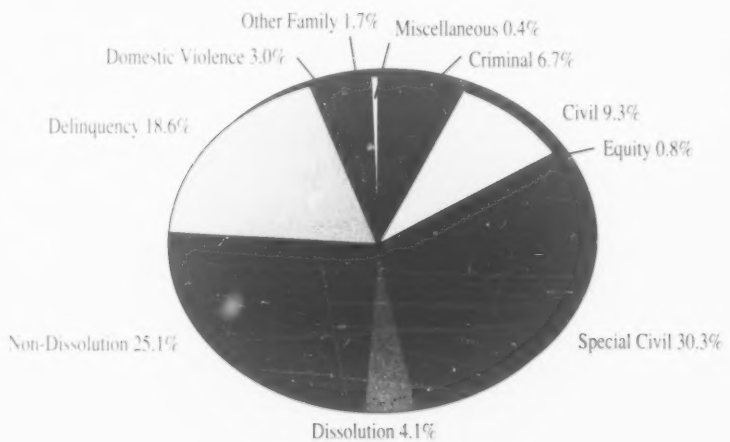
GLOUCESTER, CUMBERLAND, SALEM

Samuel G. DeSimone
Assignment Judge

Stephen E. Fingerman
Trial Court Administrator

Probation Advisory Boards were established in all three counties in the Vicinage, and a House Arrest Program was implemented throughout, as well. Uniform procedures and eligibility guidelines have been established for the program.

- Plans have been completed for the conducting of administrative hearings for adult probationers on the verge of violation proceedings. Hearings will be conducted by the Chief Probation Officer in each county. In addition, Project CARE and the Extensive Supervision program continued to serve the special needs of the juvenile probation population.
- The Summary Jury Trial, a pilot program designed to stimulate further negotiations towards satisfactory settlement of issues between parties in a civil case, was expanded to be used by all Civil Division Judges in Gloucester County. In the program's first year, 49 cases were selected for Summary Jury Trials: six were settled based on the Summary proceeding, two are still in settlement negotiations, and one went through the regular trial process after the Summary Trial. In the remaining 40 cases, the litigants chose the traditional trial process.
- The Automated Case Management System was fully implemented in the Special Civil Part, and full automation was achieved in the Civil Part Law Division in all three counties. Special Civil Part staff wrote an Officer's Training Manual, and began implementation of the procedures outlined in the Manual.
- Criminal Division staff implemented a team management structure. This structure includes the assignment of a staff team to a particular criminal judge for the purpose of coordinating all aspects of discovery and case scheduling, and the combination of arraignment and pre-trial conference into a single court event. Additionally, case management staff conducted daily reviews of the jails and implemented informal bail reviews and formal bail hearings. The Salem County Criminal Computer System was converted to the State Promis/Gavel system, and planning was begun for the conversion of the Cumberland and Gloucester Counties' systems to the state mainframe.



GLOUCESTER, CUMBERLAND, SALEM COUNTIES

Judicial Staff Training

During the 1989-90 court year, judges and court employees in the Gloucester/Cumberland/Salem Vicinage benefitted from one of the most extensive local training programs in the Judiciary. Over the past 12 months, at least 20 different training programs were offered, some more than once, to all court employees, and in some instances, to employees of other State and County agencies who may benefit from the training as well.

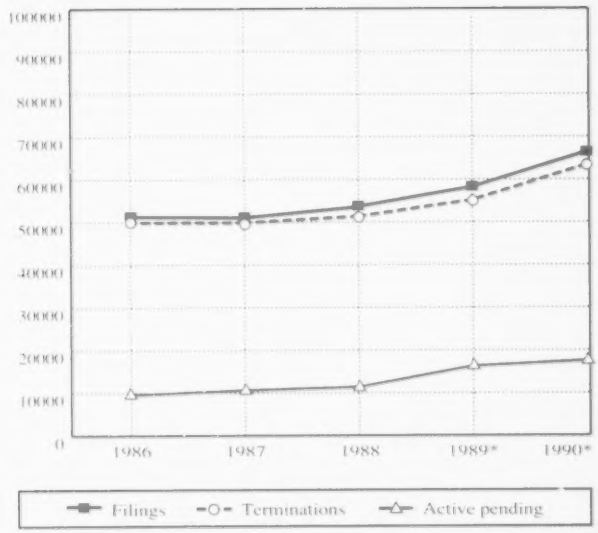
"Twenty programs sound like a lot, and it is," said Trial Court Administrator Stephen Fingerman. "But we try to keep the training seminars topical, and related to what's been happening in the counties in the Vicinage. The case managers and chief probation officers hear from their staffs what training the staff need, and we try to give them what they want. We're trying to respond to the issues that the staff care about."

For example, an incident with an AIDS patient in a courtroom prompted a seminar on AIDS by the Salem County Health Department for all court staff, and a subsequent session for judges as well. Repeated bomb scares led to a series of seminars on court security by the State and County Police and related units.

The training seminars cover a variety of topics both directly and indirectly related to court work. Some seminars are tailored to a specific audience, and in some cases the number of participants is limited. In general, however, all training seminars are open to all interested employees.

Among those seminars offered during 1989-90 were sessions on courtroom testimony by Judges Paul Porreca and John E. Wallace, Jr., for all adult supervision staff; compulsive gambling, for all criminal case management staff, probation supervision staff, and all personnel involved with the collection of fines and payments; juvenile fire setting, by staff of the Clarksburg Fire Training School for family case management and probation staff, along with representatives of DYFS and the Mental Health Clinic; domestic violence, by Judge Martin A. Herman for all family division personnel and the members of three women's groups from the Vicinage.

The extensive training schedule results from monthly meetings among Assignment Judge Samuel G. DeSimone, TCA Fingerman, case managers, chief probation officers, court managers, and the vicinage training officer. Based on those meetings, future training sessions are decided upon.



* Please see footnote regarding counting of Civil cases on page 3-10.

	Filings	Term.	Active Pending	Filings Per Judge	Term. Per Judge
Criminal	**1,467** *1,881* 1,021	**1,396** *1,682* 626	**506** *664* 291	**725** *960* 987	**690** *859* 605
Civil	**3,357** *2,245* 449	**3,095** *2,561* 465	**3,725** *2,092* 505	**1,084** *1,500* 1,491	**999** *1,711* 1,544
General Equity	**226** *253* 37	**211** *190* 19	**80** *131* 55	**396** *3,063* 1,452	**370** *2,301* 746
Special Civil	**9,362** *7,452* 2,831	**9,248** *7,572* 2,804	**1,069** *978* 255	**15,248** *18,921* 37,248	**15,063** *19,225* 36,893
Family	**10,349** *18,752* 4,966	**10,024** *18,639* 4,532	**1,637** *4,389* 1,030	**4,793** *9,725* 8,242	**4,642** *9,666* 7,522
Dissolution	**1,573** *636* 453	**1,526** *663* 418	**475** *478* 198	- - -	- - -
Non-Dissolution	**3,525** *10,413* 2,374	**3,462** *10,552* 2,291	**307** *1,098* 207	- - -	- - -
Delinquency	**4,233** *6,393* 1,473	**4,046** *6,066* 1,215	**561** *2,359* 425	- - -	- - -
Domestic Violence	**624** *894* 406	**623** *895* 406	**12** *25* 7	- - -	- - -
Other Family	**394** *416* 260	**367** *463* 202	**282** *429* 193	- - -	- - -
Miscellaneous	**99** *116* 43	**113** *103* 45	**36** *38* 23	**680** *9,102* 2,277	**776** *8,082* 2,383
Total	**24,860** *30,699* 9,347	**24,087** *30,747* 8,491	**7,053** *8,292* 2,159	**2,887** *5,230* 4,537	**2,798** *5,238* 4,122

LEGEND: **GLOUCESTER** *CUMBERLAND* SALEM

PROBATION

PROBATION

Community Service participants perform a variety of tasks for government and non-profit organizations throughout the State. During the 1989-90 court year, more than 31,000 offenders performed over 1.6 million hours of community service. [Please see story in Focus section, Chapter 2.]

New Jersey's Probation Officers supervised 75,464 cases during the 1989-90 court year, an increase of more than 6,200 cases over the previous year. The adult caseload totalled 64,085; juvenile, 11,379.

The average supervision caseload decreased slightly, from 162 adults and 85 juveniles last year to 161 adults and 84 juveniles during 1989-90. The average caseloads are nearly double any acceptable standard ever recommended by national commissions or study groups. [Please see accompanying Supervision Profile and Average Supervision Caseload graphs on next page.]

Adult Supervision

During this year the Chief Probation Officers completed and adopted a paper, *A Model for Enhancing Probation Supervision*, which sets forth a comprehensive approach to the management of supervision cases.

Implementation of the paper's provisions will bring greater consistency, effectiveness, and accountability to probation supervision. Implementation becomes critical as probation continues to receive cases of offenders sentenced under the Comprehensive Drug Reform Act.

Mandatory financial penalties, urine monitoring, and community service all place additional burdens on an already strained system.

Community Service

The Community Service programs were hit especially hard this year with an avalanche of cases from sentences for driving without the mandatory liability insurance.

Legislation providing this penalty for first-time offenders, along with mandatory community service for some drug cases, contributed to a stunning 22% growth in cases to more than 31,000 at year's end.

During the year over 1.6 million hours of community service were performed statewide. This service's estimated value is in excess of $5.6 million. [Please see related story in Focus section, Chapter 2.]

Intensive Supervision Program (ISP)

The court year marked the release of the 2000th person into the Intensive Supervision Program (ISP), which was established in 1983 to provide punishment through controlled community supervision. The program received additional funding during this court year, which resulted in an increased caseload of 513 persons.

The findings of an independent evaluation of ISP by Rutgers University noted that the program has accomplished all of its goals and objectives and established itself as a true form of intermediate punishment, as well as being cost-effective.

Juvenile Supervision

The integral relationship between the juvenile, the community, and probation continues to be the focus of juvenile supervision services.

To highlight this effort, a manual outlining more than 100 projects developed by local probation departments to assist delinquents was compiled and distributed statewide.

Project CARE, an innovative concept of probation supervision that provides for a judicial/community partnership in which teams of volunteers supervise probationers, was expanded. During the year 12 community teams were operating in seven different counties, serving more than 100 juveniles and involving approximately 135 citizen volunteers.

Child Support Enforcement

The 1989-90 court year marked the first full year of statewide implementation of the Automated Child Support Enforcement System (ACSES). This computerized network contains up-to-date information on the more than 250,000 support cases being supervised by probation departments. This improved case tracking capability has assisted in the collection of more than $315 million during the year, a record amount.

During this year the Credit Bureau Reporting process was initiated. Information regarding all child support cases with an arrearage in excess of $1,000 now will be shared with major credit agencies. This procedure is expected to increase collections as obligors attempt to avoid any adverse impact on their credit histories.

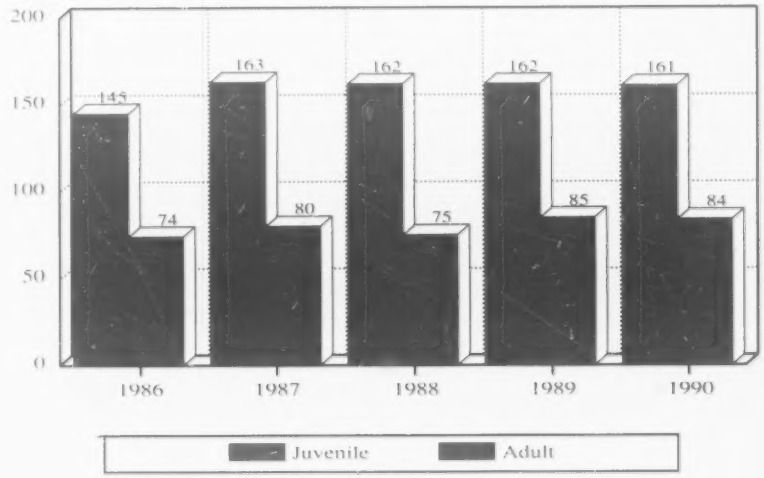
The total child support caseload during 1989-90 was 269,723, comprised of 120,061 public assistance (AFDC) cases and 149,662 non-public assistance cases. For AFDC cases, $47,316,447 was collected; for non-AFDC, $251,468,585. [Please see acompanying Child Support Collections graph on next page.]

In the Nation's Service

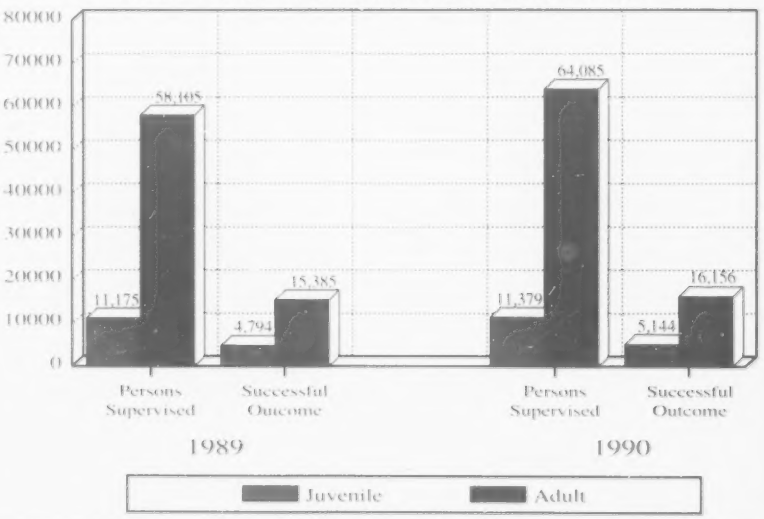
Probation Services Division staff have been extremely active in numerous regional and national association directly related to their work in New Jersey.

Harvey M. Goldstein, Assistant Director for Probation, recently was named President-Elect of the American Probation and Parole Association (APPA), which represents approximately 3,500 individuals, ranging from line staff to statewide and federal administrators, in the field of probation and parole in the United States and

1986-1990 AVERAGE SUPERVISION CASELOAD



1989-1990 SUPERVISION PROFILE



Canada. He serves on the Executive Committee and Board of Directors of the Association.

Recently the Association was awarded a large grant by the Bureau of Justice Assistance for "Drug Testing Throughout the Criminal Justice System; Probation and Parole Component." This project, a follow-up to one that developed model drug testing guidelines, will provide drug testing, training and technical assistance to adult probation and parole agencies. Goldstein, who played a key role in the development of the current application, will serve as chair of the Project Advisory Board.

Dennis Martin, Collections Coordinator, recently completed a two-year term as President of the Middle Atlantic States Correction Association (MASCA), comprised of probation and parole employees from seven states. During his tenure, the Association obtained and successfully completed a major grant program investigating probation officer safety—the first such examination of the issue to be conducted on such a geographically diversified population. The results of the study are being examined by probation and parole administrators and practitioners, and are expected to effect changes that will enhance the safety of the line officer. Martin also is a member of the APPA Board of Directors.

The American Correctional Association (ACA) is the oldest national organization administering to the concerns of the greater correctional community. Edward Rhine, Assistant Chief/Adult Supervision, is chair of ACA's Committee on Probation, Parole, and Corrections, and served as co-chair of an ACA Task Force on Parole and of the Organization and Affiliates Committee.

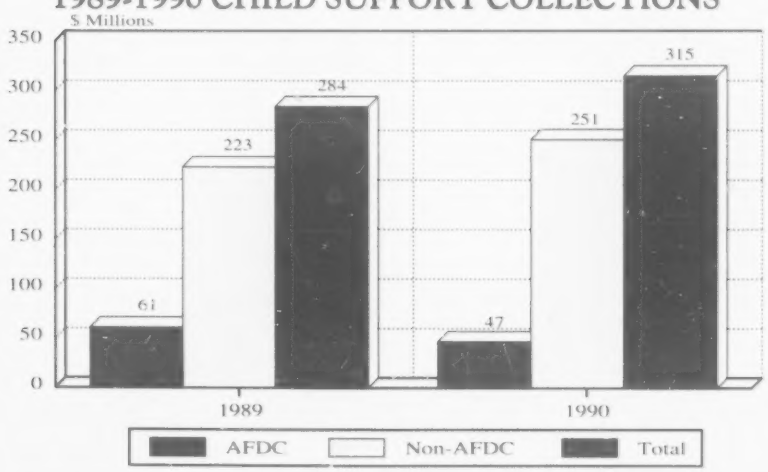
Raymond Rainville, Chief/Child Support Enforcement Services, has been an active leader in the National Child Support Enforcement Association (NCSEA) during the past decade, and was elected president in August 1989. He has served as a member of the Board of Directors.

Paula Haedel, Chief/Child Support Hearing Officer Program, has worked diligently for the Eastern Regional Interstate Child Support Association (ERICSA), an all-volunteer group of approximately 450 professionals from all states east of the Mississippi. The purpose of the organization is to promote the development of effective family support programs through professional education, material development, and technical assistance. Paula recently was selected as President-Elect, and will be responsible for managing the 28th Annual Training Conference in May 1991.

New Jersey, the first state to establish community service programs statewide, has always been a leader in the field. Chief of Adult Supervision Services William Burrell has played a pivotal role in establishing and leading New Jersey's program. This leadership role was carried to a national level when he was one of the founding members, President, and a member of the Board of Directors of the National Community Service Sentencing Association.

Michael Epstein, Coordinator of Interstate Compact Services, has been active in the national associations representing the compacts under which both juvenile and adult probationers are transferred across state lines. He has served on the Board of Directors of both associations and is currently chairing the project by the Parole and Probation Compact Administrators Association to computerize the transfer process for adult probationers and parolees on a nationwide basis.

1989-1990 CHILD SUPPORT COLLECTIONS



ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

The Management Team of the New Jersey Administrative Office of the Courts (left to right, seated): Jane Castner, Assistant Director, Civil Practice; Theodore J. Fetter, Deputy Director; Robert D. Lipscher, Administrative Director; James R. Rebo, Assistant Director, Information Systems; (standing) Frank Farr, Assistant Director, Management Services; Steven Yoslov, Assistant Director, Family Practice; Harvey M. Goldstein, Assistant Director, Probation Services; John P. McCarthy, Jr., Assistant Director, Criminal Practice; David P. Anderson, Jr., Assistant Director, Legislative and Liaison Services; Brooks Durbin, Assistant Director, Human Resources; John J. Musewicz, Administrator, Appellate Division; Dennis L. Bliss, Assistant Director, Municipal Court Services. Absent from photo: Carl R. Golden, Administrator, Public Affairs.

In the 1989-90 court year, the Administrative Office of the Courts emphasized program refinement and consolidation. Major reports were prepared and covered serious and fundamental problems: the flood of drug cases overwhelming the Criminal Division and the substantial operational problems in the Family Division. In an era of shrinking resources, the AOC worked to help the Judiciary justify its needs *and* accommodate to lower levels of appropriations by finding efficiencies.

The Judicial Conference in the fall of 1989 focused on the topic of Juveniles, Justice and the Courts. The tenor of the conference set the tone for much of the AOC's work during the year. Participants agreed that the juvenile justice system, though characterized by dedicated professionals, needed greater coordination and greater focus on real, practical results. The Conference Task Force, co-chaired by the Chief Justice and Appellate Division Judge Julia L. Ashbey, submitted to the Supreme Court its final report, emphasizing a continuum of services for all court-involved youth, multi-disciplinary assessments of juvenile services, and Statewide management information systems.

Closely associated with the Juvenile Justice report, the Pathfinders Committee report focused on the status of the Family Division. The Pathfinders Committee completed a major evaluation of the accomplishments since 1984 in implementing the idea of a family court. AOC staff developed several approaches to implementation of the Pathfinders Committee report. [Please see Focus section, Chapter 2.]

The work of the Special Committee to Assess Criminal Division Needs represented a similar effort. Co-chaired by Retired Justice Morris Pashman and former First Assistant Attorney General Donald R. Belsole, this committee proposed a way for the courts to respond to the mounting volume of drug-related cases associated with the so-called "war on drugs." AOC staff assisted the committee and carried out the supplementary and follow-up work, including administration of significant grant

funds and coordination of trial court work in every Vicinage. [Please see Focus section, Chapter 2.]

One of the major conclusions of the Special Committee was that more trial judges were needed in the Criminal Division. A major AOC project was to calculate and present information on judge need for the State, not only in the Criminal Division, but throughout the trial courts. The Chief Justice called for both immediate and long-term projections on the number of trial judges needed. Those reports were part of policy discussions with leaders of State government and with the Bar.

In the Civil Division, AOC staff worked with a committee chaired by Atlantic/Cape May Vicinage Assignment Judge Richard J. Williams to conduct an evaluation of the Differentiated Case Management (DCM) program in Camden County. Under this evaluation, the attorneys participating in Camden's DCM effort will be able to describe their experience with DCM in great detail, and the court system will be able to improve the program's operation.

Automation and Trial Court Efficiency

In addition to these significant programmatic and policy initiatives, the AOC continued its ongoing efforts for efficiency in the trial courts. The AOC has for years emphasized the development of automated management information systems. The major statewide applications — Appellate, Civil, Criminal, Family, traffic, and child support— have been designed and tested, and AOC Information Systems Division staff have been installing those systems on a county-by-county basis. By the end of the court year, the systems were installed and operational up to the following levels:

- Civil (ACMS) — 8 counties, 80% of caseload;
- Criminal (PROMIS/GAVEL) — 8 counties, 58% of caseload;
- Family (FACTS) — 4 counties, 22% of caseload;
- Traffic (ATS) — 125 courts, 46% of caseload;
- Child Support (ACSES) — 21 counties, 100% of caseload.

The Court Adult Probation System (CAPS) is the statewide computer program to manage probation officers' supervision of offenders, to keep control of conditions of probation, and to monitor payments of fines and restitution.

These are large and complex systems which generate about 750,000 transactions per day through the mainframe computers at the Judiciary Data Center. These systems allow court personnel to automate the official records of court proceedings, to use electronic means to store data, to generate schedules and case management routines automatically, and to compile management reports quickly and accurately. At the end of the court year, there were 3,000 video display terminals, personal computers, and other devices connected as part of Judiciary networks.

During the 1989-90 court year, one of the last major pieces of the computer master plan was designed. Called CAPS, the Court Adult Probation System is intended as the statewide application to manage the probation officers' supervision of offenders and to monitor probationers' behavior. CAPS can track the behavior of offenders on probation, keep control of conditions of probation such as testing for drug use, and monitor probationers' payments of fines and restitution. While the design of CAPS is now complete, funds are not available for detailed programming and testing; so for the time being, probation offices around the State are dependent on manual systems or county-based automation to monitor offenders.

Trial Court Organization

A major accomplishment during 1989-90 was the final approval of a standard table of organization for the key offices of the trial courts. Under local funding, trial courts have great flexibility to organize their support units in different ways, but such differences make it very difficult to design and administer training programs for staff or to provide technical assistance from one Vicinage to another. If State funding of the trial courts occurs in the future, a standard table of organization will make its implementation much easier than it would otherwise be. After extended committee discussion and study, consensus was reached on uniform organization of the major units of the Vicinage support structure, and that consensus resulted in an administrative directive. Under the directive, the key offices are well understood, and their interrelationships should be enhanced by direct and straightforward organizational lines.

The 1990 Judicial Staff College focused on themes of consolidation and efficiency as well. The pressures of the war on drugs make it inevitable that the elements of the trial courts must work more efficiently. At the Staff College, managers of each trial court division and leaders of the Bar from around the State reviewed ways to do that.

Responsiveness to the Trial Courts

The AOC created the new position of Assistant Director for Legislative and Liaison Services. The position allows the AOC to improve its communication with the other branches of government and to provide much more direct support to judges upon their renominations.

In December 1989, the first issue of a new publication appeared. Called the *Judges' Newsletter*, it focuses on topics of interest to New Jersey judges and tries to put them into perspective. Appearing six times a year, the *Judges' Newsletter* has found a niche for itself among the several publications of the AOC.

Also during 1989-90, the AOC changed the focus for its work in caseload statistics. The collection and compilation of trial court statistics always has been a part of the AOC's mission. Traditionally, a unit of the AOC was organized to perform that job. But as a separate unit, statistics-gathering is to a certain degree mere compilation without much analysis, instead of a management activity that is tied to the understanding of actual trial court work. In early 1990, the collection and analysis of caseload data was shifted to the AOC program units. In other words, the Civil, Criminal, and Family units began to collect, compile, and analyze the caseload data related to their divisions, thus ensuring that the analysis of the data was being done by those with expertise in those cases, and that it was of greater assistance to trial court managers.

The 1989-90 court year marked the accomplishment of a major change in trial court operations that had been sought for about 30 years—direct filing. Superior Court cases other than criminal indictments traditionally had been filed in the Superior Court Clerk's Office in Trenton, and only thereafter in the county of venue (or, for a time there was duplicate filing in both places). Central filing had some advantages, especially permitting a statewide file of civil judgments, but it produced bulky and unnecessary records and considerable delay.

As of April 1990, all counties began accepting direct filing of all Law and General Equity matters. The transition took several years, accompanied by considerable assistance from the AOC and the Clerk's Office and aided by computerized records management.

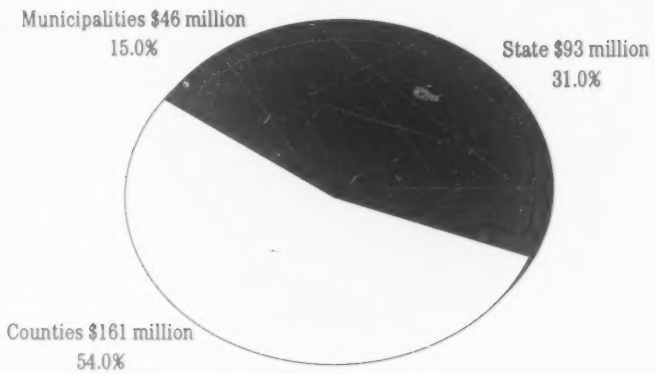
The accomplishment of direct filing not only reduced delay and increased services to the Bar and the trial courts, but it allowed reductions in staffing in the Clerk's Office and thereby saved money. The staff reductions were accomplished by attrition only with no forced layoffs.

Now a smaller Superior Court Clerk's Office focuses on tasks ideally suited for State-level work. As charted by a committee headed by retired Assignment Judge I.V. DiMartino, the Clerk's Office now has a renewed focus on long-term records management, on bookkeeping and processing of fees, on assistance to clerks' offices around the State, and on statewide indices of judgments and liens.

Finally, at the end of the court year, the AOC worked closely with Assignment Judges and Trial Court Administrators in a planning process for 1991-92. Each Vicinage created an individualized plan, and staff from several AOC divisions contributed to an overall AOC plan. In meetings with the Trial Court Administrators and then with the Assignment Judges, AOC staff helped to compile and to coordinate these plans into an overall statement of goals, which was adopted by the Assignment Judges. These goals, then, became the basis of an orientation program, led by the Chief Justice, for the 1990-91 court year. In this way, the Judiciary and the AOC are continuing to focus their energies on the most important goals in a time of increasing caseloads and declining resources.

JUDICIARY FINANCES

JUDICIARY FINANCES



More than $300 million is needed to operate the New Jersey Courts. As illustrated, the Counties pay the majority of trial court costs. Most of the Counties' direct expenses are for non-judge salaries. The State funds all Superior Court judges' salaries, among other expenses. Municipalities pay direct operating costs of the Municipal Courts.

The New Jersey courts require more than $300 million to operate. Of this total, the State pays about 30%. The Counties are responsible for more than half. The Municipalities fund about 15% of the total cost of operating the courts. [Please see accompanying Summary of New Jersey Judiciary Expenditures Chart on next page.]

State Funding

The State funds all judges' salaries other than Municipal Court judges. It pays all expenses of the Supreme Court, the Appellate Division, the Tax Court, and virtually all expenses of the General Equity Division. It also funds official court reporters, judicial education programs, the expenses of the Administrative Office of the Courts (including the Judicial Data Center and the bulk of trial court computer expenses), and the Superior Court Clerk's Office. Finally, State funds are allocated to the trial courts for expenses in programs such as arbitration, public defender eligibility, and child placement review.

County Funding

Counties pay the majority of trial court costs. The support staff of most of the judges, the staff doing investigative and case management tasks, and the probation staff all are on county payrolls. In addition, counties pay jury and most law library expenses. Not shown in the Summary of New Jersey Judiciary Expenditures chart are those indirect county costs related to court facilities, such as construction, renovations, heating, electrical costs, and the like.

The bulk of the counties' direct expenses (about 90%) are for salaries, but no judges are paid by the counties. Included are about 7,000 staff persons in case management divisions, clerks' offices, probation, surrogates' offices, and smaller units. [Please see the accompanying Summary of County Judiciary Expenditures Chart on next page.]

Municipal Funding

Municipalities pay the direct operating costs of the Municipal Courts, including judges' salaries. The State supports automation, training, and other activities related to the uniform administration of the Municipal Courts. As of December 1990, the offenders in Municipal Courts also began to pay a one dollar surcharge on traffic and parking tickets, which now goes directly to the operation of the Statewide Automated Traffic System for the Municipal Courts.

Revenues

Offsetting these costs, the different levels of government receive fees, fines, and miscellaneous revenues as set by statute. During fiscal year 1990 (July 1, 1989-June 30, 1990), the State received about $18.5 million in fees and other revenues (outside of traffic fines). The Counties received about $56 million from filing fees and other non-traffic sources. Finally, the Municipal Courts took in about $199 million, of which the State received about $33 million; the Counties about $36 million; private recipients about $9 million; and the Municipalities about $121 million.

1989-1990
NEW JERSEY COURT EXPENDITURES
STATE, COUNTY & MUNICIPAL

	JUDICIAL SALARIES	STAFF SALARIES	OTHER EXPENSES	TOTAL
STATE EXPENDITURES				
Supreme Court	$653,000	$1,693,000	$1,070,000	$3,416,000
Appellate Division	$2,645,000	$5,721,000	$1,451,000	$9,817,000
Civil Court	$12,015,000	$5,614,000	$2,498,000	$20,127,000
Criminal Court	$10,413,000	$1,534,000	$1,891,000	$13,838,000
Family Court	$5,973,000	$1,366,000	$2,479,000	$9,818,000
Municipal Court	$0	$425,000	$1,345,000	$1,770,000
Court Reporting	$0	$8,807,000	$740,000	$9,547,000
Probation	$0	$3,254,000	$1,847,000	$5,101,000
Legal, Professional Services	$0	$902,000	$167,000	$1,069,000
Information Systems	$0	$5,178,000	$6,094,000	$11,272,000
Field Operations	$0	$2,037,000	$188,000	$2,225,000
Management & Administration	$0	$3,553,000	$1,699,000	$5,252,000
TOTAL STATE EXPENDITURES	**$31,699,000**	**$40,084,000**	**$21,469,000**	**$93,252,000**
COUNTY EXPENDITURES				
Superior Court	$0	$55,275,000	$4,612,000	$59,887,000
Jury	$0	$2,586,000	$3,125,000	$5,711,000
Probation	$0	$66,961,000	$4,935,000	$71,896,000
Surrogate	$0	$6,141,000	$397,000	$6,538,000
Law Library	$0	$400,000	$859,000	$1,259,000
County Clerk - Judicial Function	$0	$15,229,000	$620,000	$15,849,000
TOTAL COUNTY EXPENDITURES	**$0**	**$146,592,000**	**$14,548,000**	**$161,140,000**
EXPENDITURES BY MUNICIPALITIES	**$7,140,000**	**$28,313,000**	**$10,510,000**	**$45,963,000**
TOTAL JUDICIARY EXPENDITURES	**$38,839,000**	**$214,989,000**	**$46,527,000**	**$300,355,000**

Source: State expenditures per treasury expenditure reports as of 7/31/90.

County expenditures on file with the Division of Local Government Services in county audit reports for calendar year ended December 31, 1989.

Municipal audit reports on file with the AOC (478 out of 535 municipalities) for the calendar year ended December 31, 1989.

1989-1990
COUNTY JUDICIARY EXPENDITURES

COUNTY	SALARIES	OTHER EXPENSES	TOTAL
Atlantic	$4,994,000	$561,000	$5,555,000
Bergen	$10,353,000	$950,000	$11,303,000
Burlington	$4,961,000	$624,000	$5,585,000
Camden	$10,178,000	$1,135,000	$11,313,000
Cape May	$2,117,000	$404,000	$2,251,000
Cumberland	$2,496,000	$306,000	$2,802,000
Essex	$21,703,000	$1,628,000	$23,331,000
Gloucester	$4,391,000	$316,000	$4,707,000
Hudson	$11,621,000	$1,773,000	$13,394,000
Hunterdon	$1,414,000	$370,000	$1,784,000
Mercer	$6,035,000	$430,000	$6,465,000
Middlesex	$12,701,000	$1,026,000	$13,727,000
Monmouth	$11,011,000	$832,000	$11,843,000
Morris	$6,792,000	$845,000	$7,637,000
Ocean	$4,541,000	$522,000	$5,063,000
Passaic	$12,014,000	$924,000	$12,938,000
Salem	$1,088,000	$218,000	$1,306,000
Somerset	$4,513,000	$616,000	$5,129,000
Sussex	$1,248,000	$476,000	$1,724,000
Union	$10,641,000	$438,000	$11,079,000
Warren	$1,780,000	$154,000	$1,934,000
TOTAL	$146,592,000	$14,548,000	$161,140,000

Source: County audit reports on file with the Division of Local Government Services, as adjusted for comparability among counties. Included are the Superior Court, Probation, Jury Commissioners and Jurors fees, Law Library, Surrogates, and County Clerk - Judicial Function.

Note: County fiscal year corresponds to calendar year.

SUPREME COURT COMMITTEES

SUPREME COURT COMMITTEES

The Municipal Court Liaison Committee is only one of the many committees upon which the Supreme Court relies for rulemaking and regulation, administrative recommendations, and policy review. Composed of judges, court staff, attorneys, and members of the public, committees meet to discuss issues that may impact upon the courts.

Supreme Court Committees are relied upon by the Chief Justice and the Court for review of rules, regulations, and administrative policies, including recommendations for change; identification of current and future trends and issues which are of major concern to the Judiciary; and candid examination and debate of issues critical for effective decision-making.

Committee members include judges, court staff, attorneys, academics, the general public, subject matter experts, and members of specific groups.

Several different types of committees serve the Chief Justice and the Court in various capacities.

Rules and Rules-Related Committees advise the Court regarding rules of court. Members of the seven standing Rules Committees recommend amendments and additions to the rules of court, policy statements, and legislation related to court practices.

Regulatory Committees assist the Court in overseeing the admission of attorneys to the practice of law and the discipline of those admitted. These committees, staffed and funded by members of the Bar, oversee a certification program for attorneys who wish to specialize, the arbitration and resolution of ethics matters, attorney conduct matters, and fee disputes.

Task Forces are the largest committees. Often divided into subcommittees, task forces review major areas of court activity and develop comprehensive recommendations for possible reform. Vicinage Review Committees sometimes are recruited to give feedback on a task force's work.

Policy Development Committees are created when the Chief Justice identifies a particular area in which he wishes to receive statewide guidance. The committee solicits and reviews opinions from knowledgeable individuals, subject matter experts, and interested groups, and issues a report detailing its decision-making process and recommendations.

Planning Committees focus on specific areas of concern and interest to the Court, identifying potential problems or highlighting trends that may need future consideration and attention.

Liaison Committees provide a forum for communication and dialogue between representatives of the judicial system and other groups, such as sheriffs, court clerks, surrogates, the media, and key community organizations. Members review programs or projects relative to how they will affect those groups represented on the committee.

Oversight Committees review and evaluate statewide and local programs and plans, and recommend specific implementation procedures.

Following are summaries of significant committee and board reports submitted to the Supreme Court during the 1989-90 court year, and member-

ship lists for key committees and boards.

Civil Practice: The Committee recommended comprehensive amendments to the probate rules, including the designation of each county surrogate as the deputy clerk of the Superior Court, Chancery Division, Probate Part, for the purpose of filing and recordkeeping of all probate matters requiring disposition by the Superior Court. The Committee's rule changes sought to eliminate the perception of concurrent jurisdiction over probate litigation in both the Chancery Division, Probate Part, and the Law Division, Probate Part; restructure the rules in a more rational and compact order; distinguish between the surrogate's functions as a constitutional officer and those as deputy clerk; and conform to revised language of the Probate Reform Act.

The Committee proposed amending *Rule* 4:42-9(a)(6) to permit recovery of counsel fees where an insured party seeks recompense from its own carrier for failure to pay a first-party claim.

The Subcommittee on Mental Commitments completed a two-year study of New Jersey's involuntary civil commitment process, culminating in the full Committee's recommendation that *Rule* 4:74-7 be amended to mandate judicial hearings regarding the voluntary nature of certain adult patients' admissions to institutions and conversions from involuntary to voluntary status after admission.[See Focus section, Chapter 2]

Additional significant rule changes recommended by the Committee included: 1) conforming New Jersey *in rem* foreclosure practice to the due process requirements of *Mennonite Board of Missions v. Adams*, 462 *U.S.* 791 (1983) (*Rule* 4:64-7); 2) revamping the procedure by which pleadings are dismissed or suppressed, including "with prejudice," for failure to answer interrogatories, in response to the Court's directive in *Aujero v. Cirelli*, 110 *N.J.* 566 (1988) (*Rule* 4:23-5); and 3) conforming the requirements, limitations, and conditions regarding the practice of law by non-commercial, staff-operated, prepaid legal service plans with the Court's directive in *In re 1115 Legal Service Care*, 110 *N.J.* 344 (1988) (*Rule* 1:21-1(d) and RPC 7.5).

The Criminal Practice Committee completed work in judicial involvement in plea negotiations, Municipal Courts' handling motions to suppress, plea negotiation form, and uniform defendant reporting system.

Criminal Practice: During the court year, the Committee completed its work in four major areas: judicial involvement in plea negotiations; Municipal Court jurisdiction to handle motions to suppress; plea negotiation form; and uniform defendant reporting system.

The Committee recommended, and the Court subsequently approved, an amendment to *Rule* 3:9-3, which permits judges, upon request of both parties where no plea agreement has been reached but where discussions have taken place, to tentatively indicate in the presence of both parties what sentence he or she would render if the defendant were to enter a guilty plea.

The Committee also recommended, and the Court subsequently approved, amendments to *Rule* 3:5-7, *Rule* 3:24, and *Rule* 7:4-2 to permit Municipal Court judges to hear motions to suppress in cases within their jurisdiction, if the Attorney General, County Prosecutor, or Municipal Prosecutor is present.

The Committee prepared, and the Court subsequently approved, amendments to the plea form required by *State v. Cullars*, 224 *N.J. Super.* 32 (App. Div. 1988) [defendant should be made aware at the time of the plea of the possibility of consecutive sentences] and *State v. Bailey*, 226 *N.J. Super* 559 (App. Div. 1988) [defendant must be made aware of, when charged with a Graves offense, of mandatory parole ineligibility term]. Additionally, the Committee drafted, and the Court approved, a Supplemental Plea Form for Sexual Offenses, in response to *State v. Howard*, 110 *N.J.* 113 (1988) and a Supplemental Plea Form for Non-Negotiated Pleas, in response to the Court's approval of the Committee's recommended amendment to *Rule* 3:9-3 permitting judges to become involved in plea negotiations under certain circumstances.

The Committee recommended Supreme Court approval of a package of forms to replace existing forms for use by judges in making bail, pretrial intervention, conditional discharge, and sentencing decisions. The forms package assures that information is collected only once, and that subsequent reports are prepared using forms already completed, adding to these forms any additional information necessary for the particular report being prepared. Use of the package will assist in reaching the goal of shortening the time interval between

disposition and sentencing to 30 days, and facilitating the procedure whereby sentencing can occur on the date of the plea.

The Committee began a thorough review of the area of summonses and warrants, including clarification of existing rules and development of rules and procedures governing the setting and reviewing of bail. Among the key issues to be reviewed will be the degree of procedural consistency which can be promoted in the bail process, and the permissible elapsed time between arrest and probable cause/bail hearings.

Family Practice: The Committee discussed a series of proposed court rule amendments and non-rule recommendations which were set forth in the Committee's 1988-1990 report. Among those recommendations, the Committee proposed several changes to the appendices to the Child Support Guidelines court rule. The purpose of the changes was to bring the guidelines into compliance with Federal regulations.

Another recommendation suggests the prohibition against juvenile plea bargaining be lifted. The Committee proposed guidelines for juvenile charge and disposition plea bargaining, together with suggested admission forms.

In addition, the Committee reviewed proposed amendments to the Prevention of Domestic Violence Act submitted to it by the Governor's Advisory Council on Domestic Violence. Extensive commentary was prepared by the Committee and forwarded to the Council. Further, the Committee as requested by the Council drafted a proposed reordering of the Prevention of Domestic Violence Act so as to make the act more orderly and coherent.

Municipal Court: The Committee made a number of recommendations in non-rule areas. Members considered the issue of whether a procedure should be promulgated directing the Municipal Courts in cases amended from "no insurance" to "no insurance card in possession" to either make a copy of the insurance card or write down the name of the carrier and the policy number so that the victim can learn the identity of the insurance company by checking with the Municipal Court Clerk. The Committee unanimously endorsed the concept and recommended the promulgation of a directive to Municipal Court Judges by the AOC regarding automobile insurance certificates.

The Municipal Court Committee proposed a reduced rate program for assignment of counsel to defendants whose earnings place them above poverty level, but who have difficulty affording legal representation.

The Committee discussed a proposed reduced rate attorney program for assignment of counsel to defendants whose earnings place them above poverty level, but have difficulty in affording legal representation. The Committee recommended that such defendants be advised of lawyer referral services where such programs exist, and that information about these programs be distributed to the Municipal Courts in the Vicinage by the Assignment Judge's Office.

The Committee recommended a proposal regarding the assessment of additional costs through the Violations Bureau Schedule when it becomes necessary for the court to send additional notices to defendants because of non-appearances in a parking matter.

Also, the Committee endorsed the checklist for opening remarks proposed by its Subcommittee on Advisement of Rights and recommended its distribution to Municipal Courts; recommended that the AOC prepare a videotape of a model opening statement and make it available to all Municipal Courts; and considered a proposal to revise the Statewide Violations Bureau Schedule to reflect the amendment to *N.J.S.A.* 39:4-75 increasing the maximum fine from $100 to $1000. In view of the substantial increase in the maximum fine established by the Legislature, the Committee recommended the elimination of that statute from the Schedule.

Special Civil Part Practice: The Committee continued to implement those recommendations of the 1987 Task Force on the Special Civil Part that have received conceptual approval by the Supreme Court. A general updating of the statutes that pertain to the Special Civil Part and the proposed revisions to Chapter 18 of Title 2A are extensive, and are the last major components of the effort to eliminate references to the former County District Courts from the court rules and statutes.

Other highlights of the year included a joint proposal with the Civil Practice Committee to amend rules regarding proof of service of pleading subsequent to original process; a proposal to incorporate *Rule* 4:4-4 [concerning service of process] into part VI of the rules; a proposed rule amendment that would permit the submission of an affidavit by an auto insurance appraiser/adjuster, as well as that of a mechanic, as proof of property damage in defaulted auto negligence cases; and a proposed rule amendment that would allow the use of an "information subpoena," including a mandatory form and prescribed ques-

tions by judgment creditors, to gather information on the assets and income of judgment debtors.

The Committee also proposed guidelines to be used by trial judges in granting hardship stays of eviction and for revamping the Special Civil Part fee structure, contained in *N.J.S.A.* 22A:2-37, and the fees paid to Special Civil Part Officers, contained in *N.J.S.A. 22A:2-38;* and recommended a complete update of Chapter 18 of Title 2A, which contains most of the statutes governing actions in the Special Civil Part.

Tax Court: The Committee, composed of members of the Bench and Tax Bar as well as representatives of taxpayers' groups; local, county, and state tax administrators; and others concerned with the administration and review of the New Jersey Tax Laws, discussed many issues relating to the review of State and local tax assessments. Among other topics, the Committee considered practice before the Tax Court, operation of the court and clerk's office, electronic filing of pleadings, attorney access to Tax Court computerized information, filing by telecopier, use of sound recording to minimize litigation expense, small claims procedure, and greater availability of unpublished Tax Court opinions.

The Committee recommended amendment of the following statutes: *N.J.S.A.* 2A:3A-1, 40:55C-65e, and 43:6A-13; *N.J.S.A.* 54:1-35, 3-21, 26 & 27, 4-3.3(e), 4-49(a), 4-63.11 & 63.39, 38A-1, 48-1, 51AW-1(b), 51A-2, 51A-3, 51A-8, and 51A-9.

Civil and Family Motion Practice: The Committee, established in 1988, completed a comprehensive review of practice rules, and made four key recommendations, including: 1) assignment of a single pre-trial judge for all motions in a particular case not otherwise assigned for management; 2) differentiation of Civil motions according to complexity, an extended rule-based schedule for complex motions, and weekly motion days for Family Division cases; 3) counsel's making the required good faith attempt to confer with his or her adversary before filing a calendar or discovery motion; and 4) permitting oral argument as of right if a party requests it and the motion does not involve pre-trial discovery or affect the calendar directly.

The Task Force on Dispute Resolution will assist the Supreme Court by preparing rules governing dispute resolution practices and developing standards to govern selection and training of mediators and arbitrators.

In recommending statewide implementation of a pre-trial judge system, the Committee concluded that judges should be assigned based on matching the characteristics of a particular case with the expertise, abilities, and interests of a judge, and that doing so would promote efficient use of judicial and attorney resources.

Court Appointments of Fiduciaries, Counsel, and Experts: Composed of judges and attorneys, the Committee was appointed in 1987. Members were charged with reviewing all types of appointments in both the Superior and Municipal Courts and developing statewide, uniform procedures to guide the courts in making appointments. The Committee was asked not to address the issue of substantive right to counsel or to develop criteria for determining circumstances that require the appointment of counsel.

Subcommittees studied three areas— Family Court and Civil Court including the Law Division; General Equity and Probate; and Municipal Courts—discussed their findings, and issued final reports to the full Committee. The Committee submitted its final report to the Supreme Court in early 1990.

Task Force/Committee on Dispute Resolution: After having released its draft final report for public comment in June 1989, the Task Force integrated those comments received into the final report, which was submitted to the Supreme Court in February 1990. The basic premise of the report was that "the New Jersey Judiciary should provide citizens with a full set of options for resolution of disputes, including traditional litigation as well as various complementary forums, so as to continue to fulfill the commitment to provide the highest quality of justice possible." In June, the Court approved the recommendations from the Task Force, including the appointment of a permanent Committee on Complementary Dispute Resolution.

This Committee will assist the Court by preparing rules governing dispute resolution practices (in conjunction with the other Rules Committees), updating those rules as needed, developing standards to govern selection and training of mediators and arbitrators, developing uniform statistical forms and providing oversight in the assessment and evaluation of dispute resolution programs. The Court also authorized the Committee to develop and submit for further review a pilot program to test the use of hearing officers in initial hearings in certain uncontested domes-

tic violence cases.

In approving the recommendations of the Task Force, the Court endorsed a variety of CDR programs for further expansion and development over the next several years, including: mediation programs for the resolution of community disputes available for disputants in every Municipal Court; statewide use of custody mediation in the Family Division, with further study and evaluation; continued experimentation with expanded arbitration, mediation, and Bar trials for Civil cases; mediation of small claims cases in the Special Civil Part; and mediation of intermediate tort and contract cases in the Special Civil Part (where resources permit).

Environmental Litigation: Formed in August 1989, the Committee based its report on a year's study of the handling of environmental matters by the State's courts, including opinions solicited and received from legislators, environmental attorneys, government officials, environmental organizations, and members of the general public, and those comments offered at a public hearing and four open meetings. The Committee generally concluded that "the demands imposed by environmental litigation do not exceed the capacity of the Judiciary, and that, with certain adjustments, the system can and will work efficiently."

The Committee concluded that there is no need for a separate environmental court, but that earlier identification and improved management of cases that are complex, involve chronic offenders, or carry the potential for environmental crises can be achieved through enhanced training for members of the Bench and the Bar.

Noting that emergent issues involving environmental litigation currently are presided over by a small group of judges at the trial court level, the Committee recommended that those designated judges receive specialized training. The Committee also recommended that the current practice of designating three Appellate Judges per region to handle emergent applications involving environmental issues be expanded to include the judges' handling of all applications involving environmental damage or imminent threats of such damage.

The Committee also advised that arbitration, mediation, neutral fact finding, or early neutral evaluation methods be used to encourage parties to resolve disputes without trials.

The Enviromental Litigation Committee concluded there is no need for a separate environmental court, but that improved management of cases can be achieved through enhanced training for Bench and Bar.

Judicial Performance: The Judicial Performance Program has been operating since November 1986, after the Supreme Court accepted the recommendations and findings of the Judicial Performance Committee and authorized the adoption of a permanent program. The main goals of the program are: to improve judicial performance at both the individual and institutional levels, to enrich judicial education programs, to increase the efficiency of judicial management within the Judiciary, and to enhance the reappointment process.

On June 2, 1988, the Court adopted *Rule* 1:35A to govern the program.

Under the program, only a portion of the Judiciary is evaluated at one time. Judges are selected for inclusion in an evaluation phase based upon their length of service in the Judiciary. At this time, only trial level judges are evaluated.

The Committee recently implemented procedures for sharing summarized evaluation data for judges facing reappointment with the Governor and Senate Judiciary Committee. This information is shared only for the purpose of enhancing consideration of a judge in terms of judicial reappointment. Performance information used for reappointment purposes is consistent with the confidential nature of evaluations as judicial personnel records.

The "First Report on the Judicial Performance Program" was released in March 1990. It summarizes the history of the program since its inception on a permanent basis; presents an overview of the program's goals, methodology, and administration; details the findings and conclusions of the Committee through the first two phases of evaluations; and highlights future initiatives.

Additional forms of evaluation are under consideration by the Committee to determine if the use of a greater diversity of data sources would strengthen the quality of the evaluation process.

Task Force on Minority Concerns: In its interim report, the Task Force developed 33 recommendations classified into four major areas: Education (judicial and public), Judicial Policy, Minority Personnel, and Further Research.

In seven education recommendations, the Task Force underscored the need to provide continuous educational opportunities for all judicial employees, as well as the public, including sensitivity training for court employees at

all levels, specialized training for criminal practitioners on eyewitness identification, and implementing a public information campaign on the operation of the court system.

With respect to judicial policy, the Task Force presented 14 recommendations encompassing: 1) services to litigants, such as providing court interpreters who are both bilingual and bicultural; 2) pre-trial issues in criminal matters, such as revising bail rules and directives to establish a uniform, statewide standard; 3) trial issues, including encouraging frequent use of expert witnesses on eyewitness identification; and 4) monitoring procedures, such as establishment of a discrimination complaint procedure and an ombudsperson for racial and ethnic minorities in the court system.

The Task Force made nine specific recommendations relating to minority personnel. The common themes of the recommendations included increasing minority representation in official, administrative, managerial, and professional job classifications and determining and adopting a standard for gauging minority underrepresentation. The recommendations also addressed the dearth of Hispanics in the Judiciary and the general underrepresentation of minorities among court appointments, volunteers, task forces, and other committees.

The recommendations in the further research category, for example, called upon the Supreme Court Advisory Committee on Bar Admissions to determine if bias is present in the Bar examination.

Task Force members held public hearings in 12 municipalities and heard confidential testimony during four meetings. Members currently are participating in the Differential Court Use Research project, designed to explore court use patterns among minority and non-minority populations in the State; updating pertinent fields of literature; leading focus groups on juvenile justice and minority participation; conducting exploratory research on minority and non-minority experiences in the workplace, and investigating on a national basis those companies with successful EEO/AA programs.

Implementation of Plea Agreements in Municipal Courts: The Committee was charged with designing and implementing methods of monitoring and evaluating a one-year test of regulated plea agreements in certain Municipal Courts. During the court year, the Committee presented its report containing specific recommendations, comments, and rule amendments to the Supreme Court.

The Court adopted the permanent Court Rule and Comment submitted by the Committee and modified the Guidelines to specifically exclude plea agreements under limited circumstances in drunk driving and drug-related offenses. Under the Supreme Court's guidelines, plea agreements may be used if the following conditions are met: 1) the terms and factual basis for agreement must be set forth fully on the record in open court; 2) the defendant must be represented by counsel or must make a knowing waiver on the record of the right to counsel; 3) the County Prosecutor must consent on the record before an indictable complaint may be disposed of or downgraded; 4) the court must have a Municipal Prosecutor who handles the case, unless it is handled by the Office of the Attorney General or the County Prosecutor; 5) the Prosecutor must represent to the court that the victim, if present at the hearing, and complainant have been consulted; 6) in cases involving a minimum mandatory penalty, the Municipal Prosecutor must represent that "the possibility of conviction is so remote that the interests of justice require acceptance of a plea to a lesser offense."

According to the Guidelines, the Municipal Court shall not accept a plea agreement involving sentence recommendations that circumvent minimum sentences imposed by law for the offense.

> The Task Force on Minority Concerns recommended providing bilingual and bicultural interpreters, and increasing minority representation in administrative, managerial, and professional job classifications.

State Advisory Board for Probation: The Board's activities during 1989-90 introduced a broad, integrated, multi-year agenda. Influenced to a significant extent by ongoing dialogue between the Board and Probation Departments, the plan is designed to have an impact on the goals of probation, the resources needed by probation, and community involvement in probation services.

In fall of 1989, the Board initiated four major projects which form the core of the agenda. Key Vicinage staff, county probation advisory board members, and State court officials were invited to participate on task forces which the Board established to manage each of the four projects.

A Task Force on Probation in the 1990s was formed to explore ways to strengthen probation so as to prepare for the demands of the next decade. The

Task Force is examining probation as currently practiced in New Jersey—reviewing its roles, functions, issues, and priorities. Its strategy has been to develop a paradigm to review and categorize probation's core functions. The Board expects the Task Force to present a series of recommendations to the Court which clarify probation's role, responsibilities, and mission, and establish priorities.

To provide citizen input into the design of appropriate organizational measures and realistic standards for probation services, a Task Force on Performance was established. In an earlier report, the Board described a rationale for the selection of performance measures and a framework for the development and implementation of performance standards. The Task Force will continue this multi-year endeavor by assisting State- and county-level probation staff with selecting measures, formulating standards, and evaluating performance.

A Task Force on Public Education was charged with formulating a statewide initiative to inform the public about probation services. An ambitious workplan is being developed to accomplish three major goals: the establishment of a clear perception of probation and its role within the court system and the community; the dissemination of information about probation and the court system; and communication of probation's need for community support.

The development, maintenance, and effective functioning of County probation advisory boards has been the Board's priority for some time. In the fall of 1989, a Task Force on Probation Advisory Boards was established to provide technical assistance and ongoing support and to facilitate discussion and information-sharing among County boards. A *Handbook on Probation Advisory Boards*, which the Task Force compiled over the past year based on its work with existing and developing boards, will be distributed to the Vicinages.

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